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**General Assembly**  
**Tenth emergency special session**  
Agenda item 5**Illegal Israeli actions in Occupied East Jerusalem and  
the rest of the Occupied Palestinian Territory****Security Council**  
**Sixty-first year****Identical letters dated 13 June 2006 from the Permanent  
Observer of Palestine to the United Nations addressed to the  
Secretary-General and the President of the Security Council**

Israel, the occupying Power, continues to commit grave breaches of international humanitarian law, including acts constituting war crimes and State terrorism, against the Palestinian civilian population under its belligerent foreign occupation. The escalation of military attacks and excessive and indiscriminate use of force by the Israeli occupying forces against civilians, particularly in the Gaza Strip, has been the cause of an ever-rising toll off bloodshed, death and injury suffered by the Palestinian people at the hands of their occupier.

Today, 13 June 2006, the Israeli occupying forces launched yet another targeted, deliberate air strike against a vehicle travelling in the densely populated Zeitoun neighbourhood in central Gaza City. The occupying forces launched several missiles, striking the vehicle as well as a nearby home, which resulted in the killing of at least nine Palestinians. Among the civilians killed were a father and his young son and another child from the same family, the Al-Mughrabi family, in addition to three Palestinian medical personnel who had rushed to the area to tend to the casualties after the first missile struck. More than 40 other civilians were also wounded in that attack, including children who were playing inside and near the home at the time of the attack. Several of the wounded are reported by Gaza hospitals to be in critical condition and there is fear that the death toll from this deadly Israeli attack may still rise.

In addition to the brutal killings committed today by the occupying forces, on Sunday, 11 June, another targeted air strike was launched against an area in Beit Lahiya, near the Jabaliya refugee camp, in which two Palestinian men were killed and three others were wounded. At the same time, the occupying Power has resumed its sonic boom attacks over the Gaza Strip, causing widespread fear and terror among the Palestinian people, especially children, and causing damage to property. Moreover, Israeli officials, including the Defence Minister, who, in response to the international outcry regarding the killing of civilians, has stated that Israel will not



exercise restraint, continue to make inflammatory statements of incitement, indicating that these kinds of military attacks and acts of State terrorism against Palestinian civilians will not only continue but will intensify, further inflaming the cycle of violence and further jeopardizing any Palestinian efforts to achieve calm.

The international community must continue to strongly condemn Israel's escalation of extrajudicial killings and deliberate and indiscriminate military attacks against civilian areas and, furthermore, the international community must take immediate action to bring a halt to these grave human rights violations and crimes against the Palestinian people. In this regard, I believe it is imperative to recall the relevant provisions of the Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949, and thus the obligation of the High Contracting Parties to ensure the protection of the civilian population under Israel's occupation in the Occupied Palestinian Territory, including East Jerusalem. It is in this vein that on Sunday, 11 June 2006, five Israeli organizations, including the main human rights organization, B'tselem, called upon the Israeli government to cease its killing of Palestinian civilians. It is time now for the international community as a whole, including the Security Council, to shoulder its responsibilities in this regard to bring an end to these violations, to the ongoing suffering of the Palestinian civilian population under Israeli occupation and to the continuing deterioration of the situation on the ground, which poses a serious threat to regional stability.

This letter is in follow-up to our previous 245 letters to you regarding the ongoing crisis in the Occupied Palestinian Territory, including East Jerusalem, since 28 September 2000. These letters, dated from 29 September 2000 (A/55/432-S/2000/921) to 9 June 2006 (A/ES-10/337-S/2006/378), constitute a basic record of the crimes being committed by Israel, the occupying Power, against the Palestinian people since September 2000. For all of these war crimes, State terrorism and systematic human rights violations committed against the Palestinian people, Israel, the occupying Power, must be held accountable and the perpetrators must be brought to justice.

Accordingly, in follow-up to the above-mentioned letters, I regret to inform you that since my last letter to you four days ago, at least 13 more Palestinian civilians, including children, have been killed by the Israeli occupying forces, raising the total number of martyrs killed since September 2000 to 3,914. (The names of the martyrs that have been identified are listed in the annex to the present letter.)

I should be grateful if you would arrange to have the text of the present letter and its annex distributed as a document of the tenth emergency special session of the General Assembly, under agenda item 5, and of the Security Council.

(Signed) Riyad Mansour  
Ambassador  
Permanent Observer of Palestine to the United Nations

**Annex to the identical letters dated 13 June 2006 from the  
Permanent Observer of Palestine to the United Nations  
addressed to the Secretary-General and the President  
of the Security Council**

**Names of martyrs killed by the Israeli occupying forces  
in the Occupied Palestinian Territory, including East Jerusalem\***  
(Saturday, 10 June 2006, to Tuesday, 13 June 2006)

**Saturday, 10 June 2006**

Omar Youssef Jounaid

**Sunday, 11 June 2006**

1. Mohammad Bakr Al-Massri
2. Salem Al-Rabiea
3. Ammar Shihab

**Tuesday, 13 June 2006**

1. Adnan Taleb
2. Hossam Hamad
3. Ali Alamri
4. Moussa Nassrallah
5. Ashraf Al-Moghrabi
6. Hisham Ashraf Al-Moghrabi (13 years old)
7. Mahir Moghrabi (child)
8. Hammouda Al-Wadiyya
9. Shawqi Al-Siqali

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\* The total number of Palestinian martyrs killed by the Israeli occupying forces since 28 September 2000 is 3,914.

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**Report of the Secretary-General on children and armed conflict in the Democratic Republic of the Congo***Summary*

This report has been prepared in accordance with the provisions of resolution 1612 (2005). It is presented to the Security Council and its Working Group on children and armed conflict as the first country report from the monitoring and reporting mechanism referred to in paragraph 3 of that resolution. The report, which covers the period from July 2005 to May 2006, provides information on compliance and progress in ending the recruitment and use of children and other grave violations being committed against children in situations affected by armed conflict in the Democratic Republic of the Congo. The report notes that while some progress has been made to redress the grave violations of children's rights referred to in resolution 1612 (2005), these continue to a large extent with impunity, including the recruitment and use of children in armed forces and groups, abduction, sexual violence, killing and maiming of children and attacks on schools. Areas where violations have been reported include Katanga, Ituri and North Kivu Provinces. Elements engaged in these violations include Mai-Mai groups, Rwandan elements with close links to the Forces démocratiques de libération du Rwanda (FDLR) but not under FDLR command, members of Congolese security forces including the police force and elements of the Congolese armed forces, and dissident or non-aligned groups that have refused to join the army integration process and disarmament, demobilization and reintegration including militia groups such as the coalition of the Mouvement révolutionnaire congolais (MRC).

The report contains a series of recommendations with a view to securing strengthened action for the protection of war-affected children in the Democratic Republic of the Congo.



## I. Introduction

1. Based on trends emerging over the reporting period, the present report reflects progress made since July 2005 to redress grave violations of children's rights as referred to in Security Council resolution 1612 (2005). Information used in this report is based on monitoring by MONUC child protection advisers and staff of the UNICEF child protection programme in conjunction with civil society actors. Full geographical coverage of the country for monitoring purposes is still incomplete owing to the size and inaccessibility of some areas of the Democratic Republic of the Congo.

## II. Political, military and social developments in the Democratic Republic of the Congo

2. The transition period that began with the establishment of transitional national institutions in July 2003 is moving towards its conclusion. The first round of presidential and parliamentary elections is scheduled for 30 July 2006. As part of the process of transition, the integration of the various armed factions into the new national military, the Armed Forces of the Democratic Republic of the Congo (FARDC), was initiated early in 2005. This process is referred to as *brassage*, and is intended to result in the creation of a unified, non-partisan, disciplined and efficient Congolese army that will address internal security problems, including the presence of foreign armed groups. The *brassage* process is complemented by the disarmament, demobilization and reintegration programme which aims to demobilize those unfit or unable to join the new army and support their return to civilian life. For children under 18, a special programme has been put in place (see section IV).

3. Although *brassage* of troops has begun, the full-scale operationalization of this plan will take some time to complete. Since its inception, the process has suffered significant setbacks, including poor coordination, lack of sufficient materials and transport facilities, delays in redeployment of integrated FARDC brigades, and serious backlogs in the payment of salaries to the armed forces. As a result, the integration of the army is incomplete and has yet to contribute significantly to the security of the civilian population, particularly in the central and eastern parts of the country. The disarmament and dismantling of non-aligned armed groups remains a high priority for the armed forces and their international partners, as well as the establishment of a reliable system for the payment and sustenance of soldiers, a dependable system of control of weapons in circulation within the armed forces and a successful strategy for the reintegration of demobilized ex-combatants.

4. In areas like the Ituri district, the Kivus and Katanga, some of the most notorious groups known for abuses against civilian population still refuse to join the army integration process and the disarmament, demobilization and reintegration programme. These dissident and non-aligned groups constitute a serious threat to stability and may obstruct the electoral process. Large parts of Katanga, especially the northern and central areas, are still under the control of various Mai-Mai groups who have remained outside the official disarmament, demobilization and reintegration programme. On 12 May 2006, however, an important breakthrough was made when Kyungu Mutanga, a Mai-Mai leader also known as Gédéon,

operating in Katanga Province, surrendered in Mitwaba. He was accompanied by more than 150 combatants, 76 of whom were children. It is estimated that 2,000 to 4,000 of his followers remain at large, a significant number of them thought to be children.

5. In the past months, a number of joint MONUC/FARDC and unilateral FARDC military operations were conducted against foreign and non-aligned armed groups in Ituri, North and South Kivu, and in northern and central Katanga. In the aftermath of those operations, a number of human rights violations were reported. Recent unilateral FARDC military operations (63rd non-integrated Brigade) against Mai-Mai leader Gédéon, inadvertently resulted in the displacement of tens of thousands of civilians, particularly in central Katanga. Approximately 170,000 people were displaced from their villages late in 2005 and sought refuge around the towns of Mitwaba, Dubié, Manona and Malemba Nkulu.

6. In other parts of the country, high levels of population displacement continue. As an indication of the fragile humanitarian situation, the United Nations and partners aided 120,000 new internally displaced persons per month with their rapid response mechanism — co-managed by UNICEF and the Office for the Coordination of Humanitarian Affairs — in the first quarter of 2006, a monthly increase of 250 per cent over the 2005 average. The Office for the Coordination of Humanitarian Affairs now estimates the number of internally displaced persons in the Democratic Republic of the Congo at over 1.6 million. The humanitarian community has produced a consolidated action plan for 2006 to address some of the more urgent needs. The amount that has been pledged for the 2006 plan is currently about a third of the amount requested.

7. Of late, joint efforts at the national and international levels have resulted in great strides in the fight against impunity for those who recruit and use children. In March 2006, Jean Pierre Biyoyo from the 10th Military Region (ex-commander of the armed group Mudundu 40) was condemned to five years' imprisonment for arbitrary arrest and illegal detention of children (de facto child recruitment), committed in South Kivu in April 2004. The same month, Thomas Lubanga Dyilo, a former leader of the Union des patriotes congolais active in Ituri Province, was handed over to the International Criminal Court in The Hague, accused of the war crime of recruitment and use of children under the age of 15. The new Constitution, promulgated in February 2006, will contribute to limiting the use of children in armed groups as the age of 18 was confirmed as the minimum age for recruitment into the armed forces.

8. On the other hand, there has been little progress in addressing the dire social situation of Congolese children over the reporting period. Underfunding of social sectors and irregular payment of salaries for government staff continue to inhibit the ability of families to pay for basic social services such as health and education. As a consequence, around half of Congolese children are excluded from health and education services. Currently, around 3.5 million primary-aged children are out of school; and there are at least 6 million unschooled adolescents.

### III. Grave violations of children's rights

9. During the reporting period, members of Congolese security forces — notably the armed forces and police — have emerged as the main perpetrators of the grave violations of children's rights that are documented. This reflects the state of flux in which the armed forces of the Democratic Republic of the Congo find themselves — seeking to integrate elements of former armed groups, some with very low capacity and training. These violations have occurred despite the efforts of the international community to support the training of those forces within the framework of security sector reform.

10. Serious violations committed against children and the civilian population by dissidents and non-aligned armed groups, the armed forces of the Democratic Republic of the Congo and members of the national police are generally not investigated or punished by the national authorities. However, since early 2006, progress has been noticed in some regions, with the demonstration of real commitment from the judicial authorities, notably the *Auditeurs militaires*, to the fight against impunity. This has led to several important advances such as the prosecution and conviction of former Mudundu 40 commander Jean Pierre Biyoyo and convictions of alleged perpetrators of other grave violations of children's rights. However, access to the justice mechanism remains difficult because fees are demanded at every stage of legal proceedings. This and the general lack of trust in the judicial system cause victims to refrain from lodging an official complaint; they turn instead to settlements out of court, especially in rape cases.

#### Abductions

11. During the past year at least 29 cases of abduction were reported, all in Ituri and the Kivu Provinces. They were committed mainly by FARDC battalions on the move, forcing children to carry military goods, or by armed Rwandan elements during the retaliation attacks on villages in South Kivu carried out in the second half of 2005. It is highly plausible that many of the girls who are being used by armed forces and groups have been abducted, as reported for instance in South Kivu when five female minors were allegedly abducted by Captain Indi Mulenga of FARDC in March 2006 while he was moving with his troops. In most instances the alleged perpetrators were not located and thus remained unpunished.

12. In Katende, 30 km from Kalemie, Katanga Province, two girls were allegedly abducted by FARDC members and raped while taken hostage from 22 to 24 February 2006. So far, the Military Auditor has arrested one of the perpetrators; investigations are blocked because of lack of transport to investigate at the crime site.

#### Killing and maiming of children

13. In zones where armed conflict is still active, children have not been spared from violence and killing.

14. About 60 children have been reported killed since July 2005, but limited access to various parts of the country makes it difficult to obtain accurate numbers. Of the registered killings, 29 were attributed to Rwandan armed groups<sup>1</sup> during mass attacks on civilians perpetrated during the second half of 2005, as detailed below:

(a) During the night of 9 July 2005, a group reportedly of around 30 well-armed Rwandan elements attacked the village of Kabingu, approximately 60 km from Bukavu in the Province of South Kivu. On the basis of testimonies gathered, a multidisciplinary team from MONUC was able to confirm that over 50 civilians were killed in the attack. More than 40 victims, mostly women and children, were either burned alive in their huts or killed by machete blows while trying to escape. Fifteen others were injured, 6 of whom later succumbed to their injuries at local health centres, and 11 women were subjected to rape during the course of the attack. The assailants also reportedly abducted several villagers, including four young girls. Three of them were subsequently stabbed to death and their bodies disposed of near the village. Of the 41 estimated victims, the MONUC Child Protection Section compiled a list of 23 children victims.<sup>2</sup>

(b) There was another massacre in the village of Buba, Kanyola *groupement*, 55 km south-west of Bukavu, during the night of 9 October 2005. The killings were reportedly perpetrated by armed Rwandan elements, referred to by witnesses as Rastas led by Colonel Kyombe. According to the information gathered by a multidisciplinary MONUC investigation team, six children between 17 months and 16 years old were killed and another five children injured.

15. Ongoing abuses by members of the armed forces of the Democratic Republic of the Congo against the civilian population have also resulted in the killings of children. Reported incidents include the following:

(a) On 16 September 2005 a group of FARDC soldiers from the 123rd Battalion (ex-ANC)<sup>3</sup> passing through Nyamilima on their way to the Rumangabo *brassage* centre opened fire on a crowd of civilians celebrating their departure and throwing rocks at the passing trucks. Two minors, aged 10 and 15, and an 18-year-old boy were shot in the head and killed, while three other minors, aged 8, 9 and 17 years, were injured.

(b) Recent clashes between FARDC and FDLR that occurred in Nyamilima, Ruthshuru territory, North Kivu, resulted in the killing of eight civilians, three of them confirmed to be children (2 boys and 1 girl). All children died as a result of gunshot fired at close range by military of the 23rd FARDC Battalion as they stormed into huts and opened fire.

16. As elections approach, children are at risk of being utilized for political purposes and thus exposed to related violence.

<sup>1</sup> These elements are often referred to as Rastas, groups of Rwandan combatants with close links to FDLR but not under FDLR command. However, a MONUC team which investigated one of these mass attacks by Rwandan elements was unable to establish clearly if that particular armed group was in any way linked to either FDLR or a Rasta group.

<sup>2</sup> The Secretary-General sent the MONUC investigation report to the Security Council by a letter dated 17 January 2006 (S/2006/28).

<sup>3</sup> National Congolese Army, the military branch of RCD-G (Congolese Rally for Democracy-Goma).

17. Two boys, aged 15 and 16, were killed during a march against the Société nationale d'électricité, organized on 15 May 2006 by the political party the Front démocratique pour le progrès in Kipushi (30 km from Lubumbashi). The boys were reportedly shot by members of the national police, who fired into the crowd indiscriminately. According to witnesses, participants in the march entered local schools to force children to join the demonstration. A woman was also killed during the same event. Six police members including the Commander of the *Groupe mobile d'intervention* were arrested and brought in to the Military Auditor of the garrison. So far, only one family of the victims has filed a complaint.

#### **Recruitment and use of children in armed forces and groups**

18. There appears to have been a significant reduction in the recruitment and use of children over the past 12 months. This is due to a combination of factors including the implementation of the disarmament, demobilization and reintegration programme for children (see section IV); the army integration process; a constant decrease in the number of active fighting zones; persistent lobbying by child protection networks against recruitment of children; and progress made by the judicial authorities in the fight against impunity. Despite this overall trend, in Ituri and North Kivu, cases of recruitment and re-recruitment by uncontrolled armed groups have been documented in the past months. Of serious concern are reports about children still present in some FARDC units, including some integrated FARDC brigades. More than 26 cases of recruitment and other violations by FARDC members were brought to the attention of the FARDC Chief of Staff who is following up on the allegations (see Section V).

19. During the month of March 2006, 22 children were identified among members of the 5th Integrated FARDC Brigade in Kananga (Kasai Occidental). In addition, two girls were identified in the 3rd FARDC Brigade integrated in Kamina, Katanga Province. The FARDC Commander in Kalonge (South Kivu), Captain Indi Mulenga, was also reported to have eight children among his ranks and is suspected of the abduction of five girls.

20. In North Kivu, recruitment and use of children by non-brassaged FARDC brigades is still going on. Various cases of re-recruitment of children by members of the 83rd (ex-ANC) Brigade were registered in the past months. In April 2006, a joint UNICEF-MONUC mission to Walikale established the presence of about 20 children in the 84th Brigade, commanded by Colonel Akilimali, and about 150 children in the 85th Brigade, commanded by Colonel Samy.

21. Dissident groups and non-aligned factions have continued to recruit children. In North Kivu children have been forcibly recruited to transport goods by armed groups on the move. In February 2006, there were allegations of recruitment of about 20 children by "General" Laurent Nkunda<sup>4</sup> in Masisi. Those new recruits were apparently sent out to recruit other children, sometimes at gunpoint. It is estimated that, altogether, about 70 children were recruited into Nkunda's ranks in the Masisi and Rutshuru territories over the reporting period.

<sup>4</sup> Dissident General Laurent Nkunda is listed in annex I to the Secretary-General's report on children affected by armed conflict (S/2005/72) for recruitment and use of children, rape and other grave sexual violence against children and attacks on schools and hospitals; he formerly belonged to ANC and is currently opposing the *brassage* and election processes.

22. In South Kivu, FDLR reportedly continues recruitment and other abuses against children. In southern Katanga the recently surrendered Mai-Mai leader, Gédéon, is well known for the presence of large numbers of children among his ranks. Reported cases include the following:

(a) On 5 April 2006, MONUC child protection staff interviewed a 15-year-old Rwandan who related that he was forcibly recruited by FDLR in Mubaraka village in Masisi territory, North Kivu, in February 2006, together with about 20 other children. After three weeks of captivity and having been forced to walk for seven days to the village of Rusamambo, the children were forced to walk all the way back to their village of Mubaraka with the aim of forcibly recruiting more children. The boy stated that he had been given a weapon, and that he and others recruited another 20 children, 5 of whom managed to escape. The boy estimated that there were altogether 70 children among the FDLR cadres at Rusamambo.

(b) Another six children were allegedly re-recruited in Masisi territory in February 2006 by non-*brassaged* elements of the FARDC brigade commanded by Major Rugayi.

23. In Ituri there have been constant allegations of recruitment by militia groups, especially of the coalition of the Mouvement révolutionnaire congolais (composed of former elements of the Front des nationalistes et intégrationnistes, forces de résistance patriotiques en Ituri and UPC armed groups).

24. The recent success in the fight against impunity of recruitment of children unfortunately seems to have an adverse effect on the ability to identify children still present among various groups joining the demobilization process. There are messages circulating in South Kivu and Katanga that children used as combatants are left behind by commanders joining the *brassage* process because they fear accusations of recruitment of children.

25. The identification and separation of girls remains a challenge in all regions. Many of the girls who were recruited by force (by way of abduction) or voluntarily have now become "wives" of combatants and are likely to be registered as such in the disarmament, demobilization and reintegration programme. Many of the girls associated with armed groups are not reached by the programme, however, as fear of discrimination and ostracism by family and communities often makes it difficult for those girls to come forward and seek support from the disarmament, demobilization and reintegration programme.

26. From January 2004 to May 2006, more than 18,000 children have been released from forces and armed groups in the Democratic Republic of the Congo. Because of limited integration support and programmes, however, children are still vulnerable to new threats and harassments, including re-recruitment. The MONUC Child Protection Section and UNICEF continue to receive reports of abuses against children formerly associated with armed forces and groups perpetrated by elements from different armed groups and the Congolese armed forces.

27. The abuses identified consist of arbitrary arrests, illegal detention<sup>5</sup> and ill-treatment during deprivation of liberty by FARDC and threats of re-recruitment by armed groups or elements thereof which remain active. In addition, many children

<sup>5</sup> According to Congolese law, military courts have no jurisdiction over individuals under the age of 18.

suffer from harassment by both FARDC and other armed groups, such as destruction of official demobilization certificates and sometimes forced payment of a ransom.

#### **Grave sexual violence**

28. Sexual violence continues to be a serious and significant part of the violence suffered by children in the Democratic Republic of the Congo.

29. In the Kivus, many rape cases attributed to armed military groups of Rwandan origin have been registered by child protection network partners. A local health centre in Kibirizi, in the Rutshuru area of North Kivu Province, in January 2006 had registered 174 cases of rape, allegedly perpetrated by Interahamwe and FARDC soldiers since the beginning of 2005; 80 per cent of the cases involved girls.

30. In addition, the number of cases of rape of children by members of the security forces (FARDC and members of the national police) reported in the central and eastern parts of the country has become a major concern. A majority of the reported cases were committed by FARDC soldiers deployed or on the move in the Kivus, Ituri and northern Katanga. In Kananga and Mbuji-Mayi (Kasai Orientale Province) members of the national police were reported to be the main perpetrators. Only a small number of alleged perpetrators have been brought to justice and, if accused, they are often acquitted in the absence of confirmed proof.

31. During the night of 12 October 2005, a girl held in police custody in Kananga allegedly was raped multiple times by three members of the *Police d'intervention rapide*. On 3 February 2006 the *Tribunal de garnison* acquitted the three alleged perpetrators of rape because of lack of proof. Two of the three alleged perpetrators were however sentenced for the arbitrary arrest and illegal detention of the girl.

32. In the past months notable progress has been achieved in the fight against impunity of sexual violence.

33. In April 2006, seven FARDC soldiers were punished severely for crimes against humanity when the military tribunal of the garrison of Mbandaka handed down life terms for mass rapes in the village of Songo Mboyo in Equateur Province, committed in December 2003. The court applied the Rome Statue of the International Criminal Court, which qualifies rape as a crime against humanity. This was the very first sentence against the country's military personnel for crimes against humanity.

34. In May 2006, in separate instances, two members of FARDC were convicted and sentenced to 10 years in prison for rape (of a 5-year-old and a 13-year-old girl respectively) by the military court of Kalemie, northern Katanga. The fact that in both cases the Military Auditor was very persistent in pursuing the investigations in the face of resistance to addressing the issue of sexual violence by the FARDC military authorities contributed greatly to the outcome.

35. In other regions like South Kivu and Ituri, positive signs have been registered among the *Auditeurs militaires*, who have lately taken a number of actions to address accusations against members of FARDC and national police more seriously.

#### **Attacks on schools and hospitals**

36. There have been several cases of occupation or destruction of schools in the course of attacks on the civilian populations in Katanga, Ituri and North Kivu:

(a) In July 2005, in and around Dubie, Katanga, five primary schools were burned by armed elements of the group of Mai-Mai loyal to leader Gédéon.

(b) Since July 2005, at the elementary school of Mutabi in Dubie, Katanga, six classes and two offices have been occupied by soldiers from the 63rd FARDC Brigade, who forcibly occupied 50 per cent of the school space.

(c) On 14 March during the FARDC operation against rogue militia in the Kpwandroma area of Ituri, in the village of Aruda, about 20 to 25 houses, including the secondary school, were set on fire, allegedly by FARDC elements.

(d) On 30 March, seven trucks loaded with military of the 891st Battalion (commanded by Major Samy Hangi) and their dependents arrived in Mbau, Beni territory, occupied the court of the primary school of Mbau (with 1,388 pupils), used doors and desks as firewood and classes as toilets, and looted the school's stationery and learning materials. So far, no investigation has been initiated either by the military hierarchy or by the Military Auditor.

#### **Denial of humanitarian access**

37. The general picture is one of steadily improving humanitarian access, despite periodical setbacks in locations such as Ituri.

38. In April 2006, during the FARDC operation against Mai-Mai leader Gédéon, officers of the 6th Military Region under the command of General Tshimbumbu and of the 63rd Brigade commanded by Major Ekembe hampered humanitarian access to about 10,000 internally displaced persons in Mitwaba region, Katanga Province. In the same month, in Kasungaji (35 km from Mitwaba) in Katanga Province, soldiers of the 63rd Brigade looted a UNICEF convoy of bicycles transporting humanitarian kits for internally displaced persons.

## **IV. Dialogue and action plans to redress violations of children's rights**

### **A. National action plan on disarmament, demobilization and reintegration for children**

39. A national commission, the Commission nationale de désarmement, démobilisation et réinsertion, was set up in December 2003. It is funded mainly by a \$200 million trust fund managed by the World Bank within the framework of the Multi-Country Demobilization and Reintegration Programme. The Commission is composed of five main internal departments, one of which is specifically dedicated to children's issues. Other international agencies have received funding through special projects under the Multi-Country Programme and participate under the coordination of the Commission. Before the Commission was operational, an interim operational framework for children's disarmament, demobilization and reintegration was developed under the leadership of UNICEF in collaboration with child protection agencies, and was approved in February 2004 by an inter-ministerial committee. The current operational framework for children's disarmament, demobilization and reintegration was adopted by the Commission in March 2004. The operational framework employs an inclusive definition of

beneficiaries as all children associated with armed forces and groups, rather than using the limited term "child soldier".

40. After a year of operation, the official operational framework for children is under revision. Although many aspects of the programme's implementation deserve serious rethinking or redesign, overall the implementation of the national disarmament, demobilization and reintegration programme for children has been quite positive. By allowing thousands of children to leave military and militia life and return to their families and communities, where their socio-economic reintegration can be supported, the programme has achieved a significant benchmark.

41. A joint operation plan has been developed to link the army integration process (military *brassage* exercise) with the disarmament, demobilization and reintegration process (civilian exercise). Within the plan, it was established that all orientation centres would have a dedicated space for children certified through the verification process. The children's spaces in the centres are managed by child protection agencies. The orientation centres were implemented in mid-2005. According to standards, children are not expected to stay more than 48 hours in the centres before being handed over to transit care facilities managed by child protection agencies.

42. In March 2005, UNICEF and MONUC met with the FARDC Army Chief of Staff, General Kisempia, to raise issues related to the recruitment and use of children within the Congolese armed forces. After the meeting, in May 2005, a cable was sent to all regional FARDC commanders stating in strong terms that any recruitment or use of children was prohibited and that perpetrators would be prosecuted. MONUC followed up by bringing specific cases of abuse to the attention of General Kisempia in February 2006. The documented cases consisted of re-recruitment, arbitrary arrests, ill-treatment, and deprivation of liberty, various forms of threats and forced payment of ransom. General Kisempia has demonstrated his willingness to take action as, on 18 May, FARDC Lieutenant Colonel Dieu Donné Kabali was sent by the FARDC hierarchy to Bunia (Ituri) to follow up on cases of violations reported by MONUC. Investigations have also been planned in other regions.

## **B. Dialogue with parties to conflict and other action plans**

### **General coordination on protection issues**

43. In line with recent moves to improve the effectiveness of the humanitarian system, a "protection cluster" of humanitarian agencies was established early in 2006. The main objective of the cluster is to prevent and reduce violence against civilians, as well as to ensure adequate and timely protection interventions to respond to abuse, exploitation and violence against civilians. The cluster meets at the national level under the leadership of UNHCR and MONUC, and is mirrored in the provinces most affected by conflict. Within this framework, coordinated action plans are developed to address the specific risks faced by children in the context of armed conflict and displacement. These include children separated from their families; children associated with armed forces and groups; and sexual violence.

### **Sexual violence**

44. A joint initiative in the fight against sexual violence was launched in March 2004. Under the leadership of UNFPA, a large number of actors are involved in this initiative to coordinate response to sexual violence, including the Government (Ministries of Women and the Family, Social Welfare, Human Rights, Health, the Interior and Justice, as well as the Army), United Nations agencies (notably OHCHR, UNICEF, UNIFEM, UNDP, WFP and FAO), and national and international non-governmental organizations. The initiative aims to document and coordinate the actions of a large number of partners through an integrated approach, incorporating medical, legal and psychosocial support to victims, and to prevent sexual violence through a multi-agency and multi-sectoral approach which would include survivors and their communities.

## **V. Follow-up and programmatic responses to violations**

### **General capacity-building of security and legal actors**

45. Various organizations in the Democratic Republic of the Congo focus on training of police, military and the judiciary. UNICEF, MONUC, RCN Justice & Démocratie, Avocats sans Frontières, Save the Children UK and the International Committee of the Red Cross all play a valuable role in training security and judicial officials. Other actors, including the *Coopération française*, are involved in the training of judicial officers. Yet it is clear that the training may vary from a few days to a month and that more structural training is necessary to further develop long-term capacities. The donor community is placing increased focus on reform of the justice system; this reform needs to take into account provisions for juvenile justice and children who are victims of crime and abuse, and to address capacity constraints in the security and judiciary sectors more comprehensively.

### **Disarmament, demobilization and reintegration of children**

46. According to official figures provided by the national Commission, as at 30 May 2006, 18,524 children have been released from armed forces and groups through official processes, of whom 2,880 (15.5 per cent of the total) have been girls. Thousands more have escaped from fighting forces on their own and are discreetly returning to civilian life. Girls are predominant in this latter category, as many of them would face extreme forms of social exclusion if identified as having been associated with armed groups and forces. Re-recruitments — both forced and voluntary — are still reported, mainly in the eastern Democratic Republic of the Congo; the total magnitude and trend of this phenomenon are not well known at this stage.

47. The main areas of response are the following:

- Advocacy for the release of children associated with armed forces and groups.
- Training of operational partners for transit care and reintegration activities.
- Sensitization on the issue of children associated with armed forces and groups (both at national level and at community level).
- Pre-identification and verification of children held within armed groups and forces.

- Transit care of the children.
- Family tracing and reunification.
- Social reintegration activities (development of community protection mechanisms, integration into formal and non-formal education programmes, individual follow-up of children etc.).
- Economic reintegration activities.

48. The national Commission and UNICEF currently work with approximately 9 international non-governmental organizations and 35 national non-governmental organizations to implement the activities listed above; the MONUC Child Protection Section continues with reinforced advocacy and monitoring.

49. One of the programme's early principles that turned out to be problematic was the directive given to the military groups to leave the children behind when moving to the orientation centres. At the time, the directive aimed to avoid unnecessary displacement of children through the country, and was based on having accredited non-governmental organizations ready to meet the children and proceed with the disarmament, demobilization and reintegration process on site. In practice, very few child protection agencies had the logistical capacity to guarantee a proper response for such cases given the size of the country and the number of areas difficult to access. A number of children left behind were therefore unable to join the reintegration process.

50. The main challenges faced by the programme currently include the following:

(a) Children remain a high proportion of non-aligned armed groups who have yet to participate in the disarmament, demobilization and reintegration programme.

(b) Many children left or escaped from armed groups without the support of the official disarmament, demobilization and reintegration programme. Many of those children remain at risk and programmes are needed to include them in community reintegration.

(c) There is inadequate experience in addressing the specific challenges faced by girls, both in securing their release from armed groups and forces and in the process of community reintegration. Many of the girls who were abducted or voluntarily enrolled have now become the "wives" of combatants; commanders are unaware of their obligation to release them, and the girls are unaware of their rights, and fear ostracism upon return to their communities.

(d) The high-profile arrests of several commanders guilty of recruiting children under 15 years of age may have had the unintended effect of slowing the pace of release of children to child protection agencies: commanders now fear arrest if children are found in their ranks.

(e) Social and economic reintegration activities in favour of children formerly associated with armed groups and forces have been slow to get off the ground, limited in relation to the vast size of the country, and hampered by the scarcity of socio-economic opportunities for children in general. While the national Commission reports that more than 15,000 children have benefited from socio-economic reintegration activities as at 30 April 2006, there is fear that these

activities will be unsustainable without access to longer-term, more streamlined funding mechanisms.

(f) Coordination with the adult disarmament, demobilization and reintegration programme has been difficult. As child reintegration is undertaken through ensuring access to services and education and other reintegration assistance in kind, and not with monetary payments as in the adult programme, many children are presenting themselves as adults in order to receive the direct monetary benefits of the adult demobilization process, and some of them have re-enrolled in the army to this end.

### **Sexual violence**

51. More than 30,000 survivors of sexual violence have been identified in the Democratic Republic of the Congo since mid-2005, and 70 per cent of them have benefited from some form of assistance as outlined below. The main elements of response are:

- Prevention of sexual violence through advocacy and sensitization campaigns.
- Training of workers in the medical, psychosocial and legal assistance fields.
- Identification of survivors through community-based networks.
- Medical, psychosocial and legal assistance to survivors.

52. Some 10 international non-governmental organizations and 100 national non-governmental organizations collaborate in the implementation of the above-mentioned activities under the UNFPA joint initiative programme. Since the beginning of the initiative to assist sexual violence survivors in the Kivus (2003), 27,460 survivors have benefited from psychosocial assistance, 17,089 have benefited from medical reference, 6,134 have benefited from economic reintegration activities, and 34 have benefited from legal assistance, of which 14 cases were prosecuted and closed.

53. The initiative has been successful in raising the profile of sexual violence among national priorities. Progress is hindered by a number of constraints, however, including:

- The immense size of the country makes it difficult to reach victims.
- Despite a few high-profile cases where perpetrators have been arrested and tried, the vast majority of cases of rape go unpunished.
- The huge scale of sexual violence committed by men in uniform is matched by an equally large problem of sexual violence in "normal" settings, such as within the household and in schools.
- Child victims of sexual violence have proved harder to reach than adults.

### **Attacks on schools and hospitals**

54. A rapid response mechanism managed by UNICEF and the Office for the Coordination of Humanitarian Affairs has been in place in five provinces of the Democratic Republic of the Congo (eastern provinces and Katanga) since October 2004. The mechanism aims to provide immediate assistance to schools that have been attacked. Assistance includes light rehabilitation and provision of school

materials in order to support continued schooling. Since October 2004, 75 classrooms have been repaired, and over 12,000 displaced schoolchildren have benefited from emergency education support. Around half of the pupils were provided with temporary learning spaces.

## VI. Recommendations

55. I strongly urge all stakeholders to take all necessary actions for a complete and unconditional release of all children, boys and girls, still present in the armed forces of the Democratic Republic of the Congo and armed groups operating in the territory of the Democratic Republic of the Congo, with particular attention to dissident General Laurent Nkunda, who has totally disregarded previous decisions of the Security Council. Mai-Mai groups loyal to commander Gédéon, MRC and FARDC units, who have also yet to come into full compliance, should be encouraged to do so without delay. In addition to the demobilization of children associated with armed forces and groups, a complete withdrawal process should include measures such as primary health care and psychosocial support to address the special needs of children previously associated with armed groups, with special regard for girls who have become "war wives" and mothers.

56. I reaffirm the complementary nature of the jurisdiction in the Democratic Republic of the Congo of the International Criminal Court, and the primary responsibility of the Government of the Democratic Republic of the Congo to bring perpetrators of serious crimes against children to justice. This has already resulted in landmark rulings addressing impunity for recruitment and use of children and sexual violence against children. More resources, human and financial, should, however, be made available for strengthening the capacity of the armed forces' *Auditeurs militaires* to investigate and prosecute crimes against children.

57. I encourage the Government of the Democratic Republic of the Congo, with particular emphasis on the military, police and election-related authorities, to train and instruct security officers to prevent any excessive or illegal use of force that may result in arbitrary killings or other serious violations against children. I also encourage the Government and international donors to include child protection within security sector reform efforts, recognizing the link between juvenile justice, police and military authorities to address the safety and security of children.

58. Adequate protection of witnesses and victims of crimes, including children, and appropriate technical and other support to the judiciary and security authorities concerned to fulfil this responsibility are also essential.

59. I further encourage the development of a national truth and reconciliation initiative for the Democratic Republic of the Congo, which would facilitate the reconstruction of Congolese society and the reintegration of children previously associated with armed groups, both boys and girls, into their families and communities.

60. I also call on the Government of the Democratic Republic of the Congo and armed groups to fully respect applicable international law concerning the protection of schools. Attacks on schools and the occupation of school premises, with special attention to affected schools in Katanga Province, must cease without delay.

61. I also urge donors to secure long-term commitment and promote a more systematic approach when engaging with child protection programmes, helping to bridge social and legal protection initiatives. Finally I stress the need for the international community to provide immediate assistance to aid the Government of the Democratic Republic of the Congo in the implementation of free primary education as expressly guaranteed in the Constitution, including the elimination of school fees for primary education, and to provide life skills and vocational education for out-of-school students as a priority.

62. My Special Representative for Children and Armed Conflict will undertake a mission to the Democratic Republic of the Congo in the near future to help to bring attention to and highlight the need to mainstream child protection into the transition and post-transition priorities of the Government of the Democratic Republic of the Congo and its United Nations and civil society partners.

**Security Council**

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**Twenty-first report of the Secretary-General on the  
United Nations Organization Mission in the Democratic  
Republic of the Congo****I. Introduction**

1. The present report is submitted pursuant to Security Council resolution 1635 (2005) of 28 October 2005, by which the Council extended the mandate of the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC) until 30 September 2006, and resolution 1565 (2004) of 1 October 2004, by which the Council requested me to keep it informed regularly of developments in the Mission area. This report covers major developments, particularly in regard to the electoral process, since my last report to the Council, dated 28 December 2005 (S/2005/832).

**II. Political developments**

2. The constitutional referendum in December 2005 and the promulgation of the electoral law on 9 March have been important steps towards the holding of democratic elections. Sixty-two per cent of the 15.5 million voters who participated in the referendum voted in favour of the Constitution.

3. The electoral law reflects the consensus reached among the main political parties after intensive debate. It establishes 169 electoral constituencies following the administrative boundaries of the 145 territories and 21 cities, with Kinshasa divided into 4 constituencies. It provides for a two-round system for presidential elections; if a candidate does not win an absolute majority of the vote in the first round, a second round will be held. The law provides for a mixed system for the election of the 500 National Assembly deputies. In electoral districts with one seat, candidates will be elected on the basis of a simple majority. In electoral districts with two or more seats, there will be an open-list proportional system, in which voters select one candidate.

4. The registration of candidates for legislative and presidential elections began on 10 March. Owing to the initially low rate of registration of candidates, the Independent Electoral Commission prolonged the process by 10 days on 23 March. Some 213 parties and coalitions have presented candidates for the elections. The major coalitions include the Parti du peuple pour la reconstruction et la démocratie



(PPRD), the Rassemblement congolais pour la démocratie (RCD), the Mouvement pour la libération du Congo (MLC) and the Coalition des démocrates congolais (CODECO). Approximately 20 other parties are estimated to have a nationwide electoral base.

5. On 16 April, the Independent Electoral Commission published the final list of candidates for presidential elections. Of the 73 candidates, 33 were cleared by the Commission and the Supreme Court. Of those, 29 represent a party or political platform, while four will run as independents. Presidential candidates include President Kabila and Vice-Presidents Bemba, Ruberwa and Z'Ahidi Ngoma. While the leader of the Union for Democracy and Social Progress (UDPS), Etienne Tshisekedi, announced on 2 January his party's readiness to join the electoral process, the party's request to reopen the registration centres was declined by the Independent Electoral Commission. The identification of UDPS as the only party entitled to that denomination and logo was resolved only at the end of the candidate registration period. Consequently, despite multiple interventions by local and international stakeholders, UDPS leader Tshisekedi decided that his party would not participate in the electoral contest.

6. On 16 April, the Independent Electoral Commission published the provisional list of candidates for legislative elections; of 9,647 applications, 9,406 were cleared by the Commission. Of those, 784 (8 per cent) were registered as independents. Moreover, some 10,500 candidates have registered to run in the Provincial Assembly elections, on the basis of which the Senate and provincial governors will be chosen.

7. On 30 April, the Independent Electoral Commission published the electoral calendar, scheduling the first round of the presidential elections and the national legislative elections for 30 July. The Commission has not yet specified the possible dates for the second round of presidential elections or the Provincial Assembly elections.

8. The electoral law guarantees the representation of every territory in the National Assembly. This raised an issue for RCD on the status of Minembwe, a territory created by the RCD-Goma administration in South Kivu before the signing of the Global and All-Inclusive Agreement. Had Minembwe been designated an electoral district, the chances of the Banyamulenge community of being represented in the next National Assembly would have been strengthened. The debate over this issue raised tensions in the transitional institutions and RCD threatened to quit the transition and the electoral process. While the Minembwe issue remains unresolved, following sustained efforts assisted by the international community, RCD committed itself on 24 March to participating in the elections.

9. According to figures from the Independent Electoral Commission, about 50 per cent of the registered voters are women. MONUC is continuing to work with the Commission, the United Nations Development Fund for Women, the United Nations Development Programme (UNDP) and national and international non-governmental organizations to establish and strengthen women's networks, platforms and consultation frameworks and to launch media campaigns, training and sensitization sessions nationwide. Four women have registered as candidates for the presidential elections, while 1,305 (13.5 per cent) of the 9,406 legislative candidates are women, with representation from all the provinces. The electoral law, however, did not provide a requirement for gender parity in the submission of electoral lists.

10. In February, the President requested the Supreme Court to review the status of members of the Parliament who had left their political parties since joining the Assembly. On 24 February, the Court ruled that members who no longer represented the component that had nominated them would have to give up their seats in Parliament. On 3 April, Olivier Kamitatu therefore resigned from his position as President of the National Assembly and was replaced by Thomas Luhaka, the MLC National Secretary. While the Supreme Court decision considerably weakened the Parliament's capacity to act, the essential laws related to the transition had already been passed. The Supreme Court decision also raised questions concerning the institution's impartiality, particularly as it is mandated to adjudicate electoral disputes.

### **Election operations**

11. In view of the importance of the electoral process to peace and stability in the Democratic Republic of the Congo and the region, I visited the country from 21 to 24 March. The Under-Secretary-General and Assistant Secretary-General for Peacekeeping Operations visited the country from 4 to 17 March and from 18 to 28 March, respectively. During these visits we stressed the need to hold elections that are inclusive, equitable and secure. We urged Congolese stakeholders, in particular the Transitional Government and its leaders, to promote a level playing field during the elections; to conduct a positive election campaign based on programmes and social projects established in the interest of the population, and on the promotion of peace, development, good governance, security and an end to impunity; to hold a responsible debate; to avoid stirring up ethnic and partisan tensions during the elections; and to ensure the creation of a favourable climate for the holding of democratic elections, including respect for freedom of expression and the press. I also urged the Congolese leaders to rise above short-term interests and work for the unity and stability of the country.

12. The Independent Electoral Commission and MONUC prepared an integrated operational plan for elections, based on an assessment of the registration exercise, which will be used as a tool to manage electoral preparations and avert potential operational problems at an early stage. The assessment highlighted the need to spread the United Nations presence to the 166 territorial capitals and cities and improve coordination of the civic education campaign among national and international partners. This will require the deployment of additional MONUC staff and logistical assets.

13. Finalization of the electoral list and the establishment of polling stations will be among the most significant challenges in the weeks ahead. Owing to delays in the closing of registration centres, the Independent Electoral Commission used provisional electoral lists for the referendum, which will be consolidated for the forthcoming elections. The electoral list was published in May. On the basis of this list, the Commission plans to open some 50,000 polling stations, instead of the 31,000 used for the referendum, to ensure that voting is completed in one day.

14. The electoral system will require the production of 170 different types of ballots with names, photos and logos that are easy to identify. The printing of ballot papers will be managed by the South African Government, which has also agreed to supply the paper, provide warehousing and transport the ballots to the 14 provincial

hubs. The complexity of the electoral system and the ballots increases the importance of civic education. The Independent Electoral Commission and its international partners are allocating additional funds to national non-governmental organizations and other institutions such as the Media High Authority to extend their outreach efforts. MONUC and UNDP focus on three main areas: direct communication and coverage; strategic support for the Independent Electoral Commission; and civic education efforts in support of national actors. Additionally, MONUC advises the Independent Electoral Commission on its communication strategy, media campaign and publications. The United Nations has also produced civic education material, and is involved in training trainers from civil society organizations.

15. The Independent Electoral Commission, supported by MONUC, will have to recruit and train 260,000 polling station agents. Polling station supervisors will proceed from the 333 training sites to the 10,000 polling centres, where they will train the polling station agents. In accordance with the electoral law, the results of the poll will be compiled and published locally, rather than at Kinshasa as was done for the referendum. This should ensure a more efficient and transparent counting of votes and reduce the danger of vote rigging. The decentralization of the MONUC presence to the 166 territories and cities will also contribute to the transparency and efficiency of this process.

16. Following a two-day workshop held in April, the five institutions in support of democracy — the Independent Electoral Commission, the High Media Authority, the Truth and Reconciliation Commission, the Ethics and Anti-Corruption Commission and the Human Rights Monitoring Commission — agreed on a common approach to monitor and support the electoral process and now envisage the establishment of electoral monitoring teams at the 64 result collection centres. They also agreed to establish a committee of international eminent personalities (*Comité des sages*) to assist in finding non-judicial solutions to electoral disputes.

17. A project aimed at enhancing the capacity of magistrates to resolve electoral disputes and providing logistical support for the judiciary was also developed by MONUC, UNDP and the United Kingdom Department for International Development, in close cooperation with the Supreme Court, the Ministry of Justice and the Independent Electoral Commission. The focus will be on training of trainers to ensure broad geographical coverage while maintaining Congolese ownership of the process.

18. MONUC continues to enhance the population's understanding of the electoral process through the use of its public information assets and by targeting specific groups, including youth and women. The Mission's Radio Okapi broadcasts a daily debate, giving equitable air time to political parties and various actors of the transition, while a new civic education show targets youth and students. MONUC produces a regular television programme in which key political actors are interviewed, and has produced 15 short video features that are aired on a weekly basis on 33 national television stations. MONUC distributes 42,000 copies of a monthly national publication, "*Cap sur les Elections*", and of the MONUC magazine, and produces sensitization material on the protection of children from manipulation by political actors. The High Media Authority has included in a recent directive on electoral campaigns a provision expressly prohibiting the mobilization of children by political parties.

19. A UNDP project in support of the electoral process undertakes and manages the purchase and delivery of equipment and election materials and services. Since the launch of the project in February 2005, 343 tenders totalling some \$160 million have been issued. One of the greatest challenges facing the Independent Electoral Commission and UNDP is ensuring the timely payment of national electoral workers and police providing security for the process, particularly those stationed in remote areas. Since September 2005, the UNDP project has paid \$15 million directly to voter registration staff. During the referendum period, UNDP hired two local financial institutions to pay approximately 260,000 polling staff and 45,000 police officers. The Independent Electoral Commission, UNDP and MONUC are examining ways to overcome this logistic challenge before the elections.

20. By 29 March, UNDP had received and spent or committed \$219,250,770 for election-related activities. To complete the process, UNDP needs an additional \$32 million. This includes \$23 million that remains unfunded from the original budget and an additional \$9 million to cover the increased number of polling stations and electoral staff and the extension of the electoral calendar.

### **Security threats and plans related to the elections**

21. Risks of violence during the forthcoming elections are potentially high. Security sector reform efforts remain largely incomplete and most of the former belligerents maintain a military capacity with which they could challenge electoral results. The deployment of the Garde républicaine to parts of the country has raised concern about possible intimidation of certain candidates.

22. The main security challenges are twofold. Tensions between political parties in large population centres could result in civil disturbances. The security situation in the eastern rural areas, where State administration is largely absent, could be affected by the continued presence of large groups of Congolese soldiers refusing *brassage*, including militia and Mayi-Mayi groups. These groups could be manipulated by political rivals and pose a threat to the deployment of electoral personnel, the population's access to campaign rallies and polling stations, and the transport of official results. Security plans for the electoral process are designed to address these risks.

### **National security plans for the elections**

23. The Congolese national police are responsible for the security of the electoral process, including maintenance of law and order and protection of the transitional institutions (excluding the President, who is protected by the Garde républicaine), electoral staff, facilities and equipment.

24. Some 54,000 national police officers were a part of security arrangements for the referendum. However, more will be needed for the elections, which involve additional electoral facilities and voting centres. Under the national security plan for elections, the Armed Forces of the Democratic Republic of the Congo (FARDC) would be on standby to support the national police if required and would also be responsible for securing militarily sensitive points.

## **MONUC security plans for the elections**

25. MONUC will assist in security measures for the elections using its military and police assets. The military component's main effort during this period will be to deter armed challenges to the electoral process, contain spoilers and provide a safe environment for electoral workers and voters. MONUC, with UNDP support, continues to strengthen the capacity of the national police for that purpose. Training activities have intensified in the context of the comprehensive training programme for the national police developed by the police, MONUC, UNDP, the European Union, Angola, France, South Africa and the United Kingdom of Great Britain and Northern Ireland. During the reporting period, MONUC trained and certified 1,008 police instructors. As at 7 June, these instructors had, in turn, trained some 24,860 territorial police officers in static security for the polling centres. The courses included a component on the prevention of violence against women and children. MONUC has also provided crowd control training for some 4,900 national police officers, out of 6,200 scheduled to be trained in that field. Six MONUC formed police units from Bangladesh, India and Senegal have been deployed in strategic locations, including Kananga, Kinshasa, Kisangani, Lubumbashi and Mbuji-Mayi. These formed police units continue to strengthen the crowd control capacity of the national police, including through joint patrols.

26. MONUC also supports the long-term institutional capacity development of the national police by contributing to the work of the joint working group on the reform and reorganization of the Congolese national police, which is evaluating the police force's requirements and capabilities in order to draft a comprehensive reform plan.

## **Proposed European Union standby force**

27. The European Union has agreed to support MONUC efforts during the electoral process by deploying a standby force to the Democratic Republic of the Congo, which the Security Council authorized by resolution 1671 (2006) of 21 April 2006. The European Union force is designed to enhance the Mission's quick reaction capabilities by addressing situations that might threaten the electoral process. Thus, the force will contribute to stability through a visible advance element and an over-the-horizon force to provide reassurance and deterrence, directly through support for MONUC and indirectly through support for FARDC and the national police, if so requested by the United Nations and decided by the European Union.

## **Resolutions 1621 (2005), 1635 (2005) and 1669 (2006)**

28. Under resolution 1621 (2005) of 6 September 2005, the Security Council authorized MONUC to acquire 841 additional police personnel, including five formed police units, to train the Congolese national police and provide security during the electoral process. Under resolution 1635 (2005) of 28 October, the Council authorized an increase of 300 in the Mission's military strength to allow for the deployment of an infantry battalion in Katanga, with enabling assets, to provide additional security within its areas of operations during the electoral period. In both resolutions, the Council underlined the temporary character of the deployments and

requested me to provide an assessment by 1 June 2006 of whether the additional personnel could be downsized or repatriated by 1 July 2006.

29. Under resolution 1669 (2006) of 7 April 2006, the Security Council authorized the temporary redeployment of a maximum of one infantry battalion, a military hospital and up to 50 military observers from the United Nations Operation in Burundi (ONUB) to MONUC, until 1 July 2006, with the intention of renewing such authorization following future decisions of the Council concerning the renewal of the two Missions' mandates.

30. I am grateful for the action taken by the Security Council to strengthen the police and military capacity of MONUC, particularly during this sensitive period. While the electoral process has been delayed, it is nevertheless firmly on track. I should, however, like to stress that the first months of the new Government will be particularly politically sensitive and fragile. In this connection, the national security services will continue to require the support of MONUC police and military to maintain a secure environment in the country. I would therefore recommend for the Security Council's consideration that it maintain in MONUC the additional military, police and enabling assets approved under resolutions 1621 (2005), 1635 (2005) and 1669 (2006) until 1 January 2007. It is my intention to present to the Council, before the end of the present MONUC mandate in September 2006, my recommendations for the Mission's future mandate in the post-electoral period, including the continued requirements, concept of operations and structure of its military and police assets.

### **Regional relations**

31. During the reporting period, tensions between the Democratic Republic of the Congo and Uganda increased following the incursion of Lord's Resistance Army (LRA) elements into the Democratic Republic of the Congo. On 25 April, MONUC reported an alleged incursion into the country by elements of the Ugandan People's Defence Force. The Mission later confirmed the reports. Such intervention in the Democratic Republic of the Congo by a foreign national army is unacceptable and constitutes a violation of the country's sovereignty and territorial integrity.

32. The establishment of sustainable mechanisms for regional cooperation remains a prerequisite for the stability of the Democratic Republic of the Congo and the Great Lakes region. While the Tripartite Plus Joint Commission met twice during the reporting period, the joint verification mechanisms between the Democratic Republic of the Congo, Rwanda and Uganda did not hold any meetings. MONUC continues to impress upon the parties the need to revitalize these mechanisms as important tools of confidence-building and to work on durable mechanisms for sustained cooperation in areas of common concern, particularly security and economic development.

### III. Implementation of the Mission mandate

#### Security situation and impact of Armed Forces operations

##### Ituri and Haut-Uele

33. The security situation in Ituri remained generally stable despite continued militia activity. Between March and May, joint FARDC and MONUC operations were conducted in Djugu territory and the Fataki area to contain the militias and force them to disarm. The area south of Bunia (Irumu), witnessed renewed militia activity by the Front nationaliste et integrationniste and the Forces de résistance patriotique en Ituri, reportedly operating under the umbrella of the Mouvement révolutionnaire congolais. A joint FARDC-MONUC offensive operation launched on 27 February to clear Irumu of these armed groups was postponed due to a mutiny by a participating FARDC unit. At the same time, continued insecurity in the area has led to the displacement of more than 6,000 persons from around Bunia. The operation resumed in May, allowing MONUC and FARDC to clear the Tchei area of militias.

34. MONUC, in consultation with the Transitional Government, is developing an overall political-military strategy to address the activities of militias remaining in Ituri. MONUC and UNDP have developed an action plan to facilitate the extension of State authority in Ituri and to alleviate the immediate economic and social needs of the population. A fundamental cause of ethnic tension remains land ownership, which must be addressed in the post-election period. Other issues of concern include the stalled reintegration of demobilized combatants and the continued harassment of the population by FARDC.

35. On 18 January, MONUC deployed its Guatemalan special forces unit to the Garamba National Park following the receipt of information about the alleged presence there of LRA, including the militia leader, Vincent Oti, for whom the International Criminal Court had issued an arrest warrant. On 23 January, while approaching a militia camp, the MONUC special forces unit came under heavy fire by suspected LRA elements. Eight troops were killed and five were injured. The United Nations, the Government of the Democratic Republic of the Congo and the international community mourn the loss of the eight courageous Guatemalan troops who gave up their lives in the service of peace.

##### North Kivu

36. In December 2005, a joint operation conducted by FARDC and MONUC against several hundred Allied Democratic Forces (ADF) elements in the Beni area resulted in the disintegration of this armed group; nearly 100 ADF combatants were killed and 14 camps destroyed. Furthermore, sensitization concerning the disarmament, demobilization, repatriation, resettlement and reintegration process was successful in getting 97 Congolese members of ADF to surrender. Sadly, one Indian MONUC soldier was killed and five wounded during the operation.

37. In January, tensions escalated after human rights abuses were committed by soldiers of the FARDC fifth integrated brigade against Kinyarwanda speakers in Rutshuru territory. Insurgents belonging to the Laurent Nkunda militia, with elements of the 83rd brigade, attacked the FARDC fifth integrated brigade. They subsequently took over Rwindi and Kibrizi, prompting the withdrawal of FARDC

from Rutshuru to Kanyabayonga. On 21 January, MONUC launched operations and successfully cleared Rwindi and Kibrizi of rebel elements. During this period, MONUC also engaged in intensive conflict resolution and reconciliation efforts with the local communities. The insurgency, combined with continuous harassment by the FARDC units, caused the displacement of 50,000 persons to Kanyabayonga and seriously undermined the credibility of FARDC among the civilian population.

38. Since March, the FARDC second integrated brigade has assumed the responsibilities of the fifth integrated brigade and, with MONUC assistance, maintains control over Rutshuru and surrounding areas.

#### **South Kivu**

39. Following careful planning, a joint FARDC-MONUC operation was launched in late February against elements of the Forces démocratiques de libération du Rwanda (FDLR) in Bunyakiri territory, causing the splintering of their hierarchy. Approximately 1,000 Rwandan combatants migrated from South Kivu to North Kivu, reducing the number of FDLR in South Kivu to some 2,500. MONUC estimates the number of Rwandan combatants in the Kivus at 7,000.

40. MONUC is closely following events in the highlands of Minembwe to avoid confrontations between Banyamulenge loyal to the Transitional Government and a group of 250 Banyamulenge dissidents who refuse to enter the *brassage* process. MONUC took a number of steps to diffuse tensions, including engaging all parties in community dialogue. Following the intensification of FARDC operations against FDLR in South Kivu in December 2005 and heightened ethnic tensions, the humanitarian presence in South Kivu has dramatically decreased and several non-governmental organizations have withdrawn.

#### **Katanga**

41. The continued existence of armed groups in the central and northern districts of the province remains a major concern. FARDC operations against the Mayi-Mayi, which began in mid-November 2005, were initially unsuccessful and contributed to the deterioration of an already precarious humanitarian situation by forcing 150,000 civilians to flee their homes. Following intensive sensitization efforts by MONUC in March, and in agreement with the FARDC regional command, elements from the main Mayi-Mayi group led by Kyungu Mutanga, known as Gédéon, surrendered to MONUC in April and began disarming in May. Subsequently, on 12 May, Gédéon handed himself over to MONUC in Mitwaba and is now being held by FARDC in Lubumbashi.

42. MONUC has deployed several units in Kalemie, Manono, Lubumbashi and Mitwaba and Kamina, as the Benin battalion completed its deployment to the area in May. These troops are to provide security and escorts for electoral and humanitarian missions.

43. In an effort to reduce the possible humanitarian consequences of anticipated military operations against militia and FARDC misconduct, MONUC is strengthening its civilian and military coordination in Kinshasa and the field. MONUC and the Office for the Coordination of Humanitarian Affairs are preparing guidelines and improving coordination and risk analysis in regard to humanitarian issues and contingency planning in the preparation of military operations.

## Security sector reform

44. The Joint Commission on Security Sector Reform met regularly to discuss issues related to military and police reform. Challenges addressed include the slow pace of army integration; the logistical and other deficiencies of the *brassage* process; shortcomings of the National Commission for Disarmament, Demobilization and Reintegration (CONADER) in the implementation of the national disarmament, demobilization and reintegration plan; and the army and police census. The Joint Commission and its weekly military and police technical subcommittees also provide useful forums for discussions on how to improve the management of security-related matters.
45. Considerable thought has been devoted to the security-related needs of the Government-elect later this year. Many of the transitional tasks, particularly in the security field, will not have been accomplished, including the formation of a suitably sized, professional, well-managed and well-equipped national Congolese army, loyal to the State and capable of protecting the Congolese people and territory; and the creation of a police force governed by democratic principles and respectful of human rights. Questions related to the rule of law, including the criminal justice mechanism and corrections, also need to be put on an equal footing with military and police reform.
46. The role of MONUC in this context should become clearer once the position of the incoming Government is known, and following further discussion with international partners. It is my intention to submit to the Security Council, in the context of my last report before the expiry of the current mandate in September, a detailed analysis of this matter, including recommendations on army integration; the quality, capacity and training of the armed forces and their conduct; the strengthening of a national police force and the military justice system; and legal issues such as military and police discipline. The last item is of particular significance given the serious incidents of misconduct by FARDC units deployed in the eastern part of the country, regarding which my Special Representative has expressed concern to President Kabila. These issues should be dealt with in the context of a comprehensive and practical security sector reform plan, which the incoming Government would have ownership and responsibility for, with the support of donors.
47. In their discussions on coordinating assistance, MONUC, the Special Representative of the European Union for the African Great Lakes Region and the European Commission representative in the Democratic Republic of the Congo agreed in principle to develop joint short- and long-term plans for police and military reform. In addition, at a meeting of the contact group on security sector reform on 28 February in Brussels it was agreed that donors and international organizations needed to agree on a common concept and coordinated action.
48. The need for better coordination notwithstanding, a number of bilateral initiatives are ongoing. In addition to providing logistical and operational support to FARDC, MONUC, in partnership with the Ministry of Defence, finalized five training modules for FARDC officers and soldiers on legal and moral obligations and sanctions for misconduct.
49. The Transitional Government continues to face difficulties in pursuing its objective of creating 18 integrated brigades prior to elections. Current efforts focus

on completing the second "wave" of six brigades, the first six having already been created. In the absence of committed Government engagement, the integrated brigades will continue to lack discipline and face serious logistical and technical shortcomings.

50. Disgruntled ex-combatants who have not received their reintegration assistance present a further threat to security and stability in the coming months. Serious shortcomings in the management of CONADER, including the alleged misappropriation of funds, continue to hinder the effective implementation of the disarmament, demobilization and reintegration programme. Thousands of armed men across the country await late payments in orientation centres, where living conditions are very poor. Because of accumulated delays in implementing the disarmament, demobilization and reintegration process, the UNDP rapid response mechanism advanced \$2.1 million for assistance to the 20,000 dependants living close to orientation and transit centres.

51. Concerning the disarmament, demobilization and reintegration of minors, during the first trimester of 2006, irregularities were registered during the withdrawal of children from armed groups and forces in several regions. In many cases, children tried to gain access to adult programmes or attempted to re-enter the children's process to benefit from the facilities. MONUC noted an increase of reports of re-recruitment and abuses against children formerly associated with armed groups in areas where militias remain active. Another issue that urgently needs to be addressed is the numerous reports of FARDC soldiers abusing minors and perpetrating acts of sexual violence against the population.

52. These challenges affect the ability of MONUC to support and collaborate with FARDC in restoring security, particularly in the eastern part of the country. While FARDC, with MONUC support, has had some success in its operations against the foreign armed groups, it is often unable to sustain initial success by retaining control over territory gained or protecting Congolese civilians from reprisals.

#### **Human rights and rule of law**

53. Serious human rights violations committed by FARDC against civilians continue to be reported, particularly following military operations in Ituri and Katanga. While some authorities have taken steps to fight impunity during the reporting period, including the sentencing by a military court in Equateur of seven FARDC officers to life imprisonment for committing mass rapes, serious concerns persist as to the capacity of the Congolese military authorities and judiciary — particularly in view of interference from political actors and the military command structure — to decisively address impunity and hold trials for serious human rights violations. FARDC has shown reluctance to hand over senior officers allegedly involved in human rights violations, including sexual violence, for prosecution.

54. While the authorities cooperated with the International Criminal Court in arresting Thomas Lubanga, a former Ituri militia leader, and transferring him from Congolese custody to the Court's headquarters in The Hague, several dangerous Ituri militia leaders have been released from Government custody questionably, at least one of whom is reported to have rejoined a militia group in Ituri. Two prominent militiamen also escaped from prison in Kisangani. Although other Ituri leaders remain in jail, good-faith efforts of military judicial authorities to investigate

alleged crimes remain blocked by a serious lack of political will and human and material resources. Important investigations, such as that of the Kilwa massacre, are stalled. Brigade and battalion commanders responsible for massacres, rape and other serious human rights violations in North Kivu in December 2004 obtained new assignments in FARDC and the military judiciary has not been able to take action. Following the discovery of mass graves in North Kivu in November 2005, I intend to dispatch a human rights team to the Democratic Republic of the Congo to conduct a mapping of the serious violations committed between 1993 and 2003.

55. Progress on the promotion and protection of human rights has been mixed. A special court, the State Security Court, was abolished following the promulgation of the new Constitution in February; however, the fate of those whose cases were pending at the time, including a political opposition leader and a journalist, remains unclear. While the amnesty law was promulgated in January, to date only 58 convicted prisoners have been granted amnesty for *faits de guerre* and none for *infractions politiques*, raising concerns that the implementation of the amnesty law could be limited and discriminatory. Meanwhile, the Supreme Court issued a non-binding advisory opinion stating that murdering a head of State is not a political crime. Those convicted for the killing of the late President Laurent Kabila are therefore unlikely to benefit from the amnesty.

56. In Kinshasa, while the national police force has demonstrated its ability to control political demonstrations without violating human rights, there is a tendency to use excessive force. MONUC has found that the use of torture to obtain confessions from criminal suspects is routine in police stations throughout the country. The Garde républicaine, which is now deployed in several key towns, has also committed acts of violence against the civilian population during the reporting period. MONUC is strengthening its capacity to monitor election-related human rights violations during the electoral process, such as those related to press freedom, freedom of peaceful assembly and association, freedom of opinion and expression and freedom from arbitrary arrest and torture.

57. Improving detention conditions and facilities in the east remains a high priority. The Mission is seeking support to establish additional capacity at the prison in Bunia, where conditions are particularly difficult, in order to bridge the gap until a new facility planned by the European Union is constructed by 2008. During the reporting period, MONUC published a report on the legality of arrests and detention; in response, the General Prosecutor issued a directive which guarantees the rights of detainees.

58. With regard to the post-electoral period, MONUC has started to identify areas in which legislative drafting or reform is needed to comply with the new Constitution. Of additional concern are obstacles in existing legislation to the prosecution of certain crimes such as cross-border trafficking of illegal weapons. The Mission, together with local non-governmental organizations and the Ministry of Justice, has started to identify laws that need to be amended in order to comply with international standards on the issue of corruption.

#### IV. Conduct and discipline

59. During the reporting period, MONUC focused on a three-pronged strategy to combat sexual exploitation and abuse and other types of misconduct: reporting and

tracking of allegations; sensitization and training; and responsibility and accountability of the chain of command. MONUC expanded its database management system and developed internal procedures to ensure the accurate reporting, recording and tracking of all allegations of misconduct of Mission personnel. Nevertheless, the insufficient capacity of the Office of Internal Oversight Services to rapidly launch investigations into incidents of serious misconduct, including sexual exploitation and abuse, has presented a serious challenge in MONUC. On the one hand, the Office faces competing priorities, while, on the other hand, MONUC requires immediate and swift action to address breaches of the code of conduct. Consultations are taking place between MONUC, the Office of Internal Oversight Services and the Department of Peacekeeping Operations to identify mutually acceptable solutions.

60. Training and sensitization to deter all types of misconduct by United Nations personnel, with special emphasis on sexual exploitation and abuse, remained a priority during the reporting period and will become a permanent feature of programmes to combat sexual exploitation and abuse and other types of misconduct. MONUC held two training-of-trainers workshops for 40 divisional and brigade-level officers. Some 592 new military and civilian arrivals to MONUC were briefed, with particular attention to the training of the formed police units.

61. My Special Representative reaffirmed the accountability of all managers and their responsibility to ensure adherence to the code of conduct by all MONUC personnel. This was reiterated on numerous occasions in writing to all heads of regional offices and during briefing sessions for military and civilian senior staff. MONUC is considering establishing full-time sexual exploitation and abuse focal points in sensitive locations to ensure a permanent link between the field and MONUC headquarters.

## V. Administrative aspects

62. Based on the transitional calendar, which was to have culminated with presidential and legislative elections and the installation of a new government before 30 June 2006, the General Assembly approved personnel and material resources for MONUC to support the national-level electoral activities during the current financial period, ending on 30 June 2006. With the rescheduling of elections, the Mission will have to extend this level of support for the holding of elections well into the 2006/07 period. Furthermore, to ensure a successful national electoral process MONUC has determined that it will need to deploy personnel at sites closer to polling stations. This requires deploying, equipping and sustaining small groups of personnel at up to 80 new remote locations for a limited period. Support for the elections would also require the deployment of another nine rotary-wing and two fixed-wing aircraft and 88 civilian staff, mainly aviation, communications and logistics personnel, to manage the new air assets and landing sites. Additional troops are also being generated for deployment to MONUC (in Katanga) under the ONUB ceiling, pursuant to Security Council resolution 1669 (2006) of 10 April 2006, with troop costs reimbursed from the ONUB budget and the cost of the sustainment of troops on the ground borne by MONUC.

63. The full extent of the Mission's additional resource requirements arising from the extension of the national electoral calendar for the presidential and legislative

elections is being determined. In this regard, special attention is being given to obtaining economies of scale from existing resources, particularly with respect to air assets, and greater reliance on authorized numbers of police and military observer personnel to staff new locations. It is further expected that part of the surge requirements might be met through the reprioritization of human and material resources across peacekeeping missions to reinforce MONUC during the critical period around elections.

## VI. Financial aspects

64. My proposed budget for MONUC for the period from 1 July 2006 to 30 June 2007, in the amount of some \$1.1 billion, has been finalized and is being presented to the General Assembly for its consideration during its sixtieth session.

65. Owing to the timing of its preparation, the budget was based on the assumption that the presidential and legislative elections would be held by 30 June 2006. In this connection, pending the determination of the full additional resource requirements of the Mission arising from the continuing support for the elections, and the degree to which they can be accommodated through temporary arrangements with other peacekeeping operations, it will be my intention to absorb them, to the fullest extent possible, from within the proposed 2006/07 budget for MONUC, with the related expenditures reported to the General Assembly in the context of the Mission's performance report.

66. As at 31 January 2006, unpaid assessed contributions to the MONUC special account amounted to \$748.9 million. The total outstanding assessed contributions for all peacekeeping operations at that date amounted to \$2,664.4 million.

67. Reimbursement of troop-contributing countries for troop and contingent-owned equipment costs has been made for the period up to 31 January 2006 and 30 September 2005, respectively, in accordance with the quarterly payment schedule.

68. Since its establishment in October 1999, the trust fund to support the peace process in the Democratic Republic of the Congo has received voluntary contributions amounting to \$1.7 million, with expenditure to date amounting to \$1.2 million. From the balance of \$67,700 remaining in the trust fund to support the Ituri Pacification Commission, which donors have agreed to utilize in support of the Ituri District Administration, \$39,300 has been expended to date. I expect the remaining amount to be disbursed shortly.

## VII. Observations

69. The historic elections which are scheduled to be held in the Democratic Republic of the Congo in the coming months constitute the largest and most challenging electoral process ever conducted with United Nations support. The Congolese electorate of 25.5 million voters will be called upon, for the first time in 45 years, to cast their vote in some 50,000 polling stations for some 33 presidential, over 9,000 national legislative and over 10,000 provincial assembly candidates. By all standards, logistical challenges and the cost of the elections will be considerable. It is hoped that this unprecedented investment by the Congolese people and the

international community will help consolidate lasting peace in the Democratic Republic of the Congo through a process of national reconciliation, further democratization and the continued implementation of fundamental reforms and the transitional agenda. I also trust that the lessons learned in organizing and conducting the elections will be considered carefully to allow for the organization of future national polls in the most efficient way.

70. I am grateful to the international community for its considerable political, financial, technical and logistical support of the electoral process. I would like to note in particular the key role played by the European Union in mobilizing and providing funding for the elections, and helping to advance the electoral agenda through its sustained high-level political engagement. I would also like to thank other key donors, including the Government of South Africa, which is assisting the Independent Electoral Commission with critically needed financing, printing and transporting of some 78 million ballot papers to 14 designated sites. This generous donor assistance is a welcome supplement to the considerable logistical and technical support being provided by MONUC.

71. While it will be difficult, given the logistical challenges, to ensure that the elections are absolutely perfect, it will be important for the credibility of the process that the Independent Electoral Commission remains impartial and fully transparent in managing the elections. In this connection, I am concerned by recent reports regarding limitations on civil liberties, the widespread misuse of public funds, endemic corruption and the arbitrary detention of political party members. I have also been concerned by reports of increasing intimidation of the media, which threatens to undermine the transparency of the elections. Freedom of the press is a central tenet of democracy that needs to be upheld especially during the electoral period. It is the right of both national and international members of the press to be able to report without fear. Any attempt to manipulate the process, including through restrictions on the freedom of the national and international press, the intimidation of voters and arbitrary arrests, cannot be tolerated and should be strongly condemned.

72. I also strongly encourage the Congolese political leaders to approach the elections in a spirit of reconciliation and renewal. The elections and their outcome should provide an opportunity to continue the process of national dialogue, consolidation of peace and progress towards the long-term unity and stability of the country.

73. I urge the Congolese authorities, in particular the national police, who have the special mandate to secure the polls, to continue taking the necessary security measures to prevent and deter possible violence. The elections must take place in an atmosphere which is calm and free of any intimidation or interference. Political parties and candidates should refrain from using rhetoric that would incite ethnic tensions. Moreover, the political campaign should be conducted in strict compliance with the code of conduct; political parties and independent candidates should be encouraged to base their campaign on the programmes and platforms which will best serve the long-term interest of the Congolese population.

74. While the primary responsibility for securing the elections remains with the Congolese authorities, MONUC and its partners will continue to support the efforts of the Government. In this connection, I strongly welcome the decision of the European Union to assist the United Nations in securing the elections by making

available a standby force to address, if need be, specific security situations. The availability at short notice of the main body of the European Union standby force, as well as the presence of its advance elements in Kinshasa, will play an important role in reassuring the Congolese electorate and deterring potential spoilers. It is hoped that that force will become operational shortly, and that its collaboration with the United Nations will provide further impetus for future European Union as well as other donors' engagement in the Democratic Republic of the Congo, particularly in the area of security sector reform.

75. I am grateful for the Security Council's authorization to transfer from ONUB to MONUC a battalion, a level II hospital and up to 50 military observers. At the same time, I would be grateful if the Council could take note of my concerns relating to military and police assets, described in paragraph 30 of the present report.

76. Despite some progress, the political and security situation in Ituri, the Kivus and Katanga remains tenuous. Milia fighting continues to affect negatively the lives of civilians. Joint FARDC-MONUC operations have improved the overall situation in the Kivus, and progress has been achieved in containing and disarming militias. There are, however, a number of intransigent armed groups in the area that continue to pose a threat to the populations. MONUC intends to implement the strategy outlined in my recent report on the disarmament, repatriation and resettlement of foreign armed groups in the Democratic Republic of the Congo (S/2006/310). It also intends to intensify the operations against these remaining elements after the elections.

77. In this connection, the surrender of Mayi-Mayi commander Gédéon and his forces in Mitwaba is a welcome development. I am also encouraged by the steps taken to bring before the International Criminal Court one of the notorious leaders of the Ituri armed groups. At the same time, the judicial authorities of the Democratic Republic of the Congo are expected to make additional efforts to put an end to impunity, including within FARDC.

78. FARDC has engaged in widespread, serious violations of human rights. This is partly due to the fact that the integration of the national army has been somewhat ineffective, particularly given the lack of political will, the mismanagement and diversion of funds earmarked for salary payments, and inadequate training and logistical support. I urge the Congolese authorities and bilateral donors, including the European Union and others, to accelerate the establishment of a reformed army and police force and to ensure that those responsible for human rights violations are swiftly brought to trial by an independent and credible justice system.

79. The humanitarian crisis in the Democratic Republic of the Congo remains severe, with a large number of internally displaced persons and other vulnerable populations. The United Nations and its partners have invested considerable effort and resources in helping to mitigate the worst aspects of the humanitarian crisis. I call upon the Government to vigorously support these efforts by developing and implementing an overarching policy that takes into account disarmament, demobilization and reintegration, as well as political and security stabilization.

80. The 2006 action plan launched on 13 February in Brussels and Kinshasa presents a clear and realistic framework to address the continuing humanitarian issues in the Democratic Republic of the Congo. However, it remains a source of

concern that donors have pledged only 14 per cent of the \$682 million needed. The action plan, which is aimed at building on the gains in the security environment achieved by MONUC, will be critical in addressing the legacy of conflict in the Democratic Republic of the Congo. I therefore strongly appeal to the Congolese authorities as well as the donor community to urgently provide the required assistance to address the humanitarian crisis in the Democratic Republic of the Congo.

81. The recent progress made in improving bilateral relations between the Democratic Republic of the Congo and Rwanda is encouraging. Rwanda's intention to restore full diplomatic relations with the Democratic Republic of the Congo after the elections is a step in the right direction. At the same time, I believe that the misunderstandings and tensions that persist between the Democratic Republic of the Congo and Uganda, especially those concerning the security situation on their common border, should be addressed as matter of priority. The Democratic Republic of the Congo and its neighbours should continue working towards finding mutually acceptable solutions to issues of common concern, including through the existing confidence-building mechanisms.

82. The forthcoming elections in the Democratic Republic of the Congo will represent a major milestone. However, some tasks envisaged under the Global and All-Inclusive Agreement will not have been completed by the time of the polls. The new Government will have to ensure and promote the establishment of a new political and economic culture. I therefore urge all Congolese stakeholders to approach the post-electoral period in a spirit of reconciliation and national consensus, ensuring the participation of all of the country's political forces in the new political dispensation. The new Government should also make every effort to ensure that urgent needs of the population for security and economic development are met, particularly through urgent action on key priorities related to security sector reform, transparent management, decentralization, natural resource management and the establishment of good-neighbourly relations with the countries of the region.

83. The sustained engagement of the international community, and the establishment of follow-up peace consolidation mechanisms, will be critical. It will be necessary for the future Government to establish a national action plan, including benchmarks and coordinated programmes of donor support targeted at key objectives, such as the poverty reduction strategy, the United Nations action plan, security sector reform and other aspects. In this connection, I would strongly encourage the authorities of the Democratic Republic of the Congo to make every effort to further strengthen their relationship with the donor community, in particular the International Monetary Fund and the World Bank, as the continuation of their assistance programmes will remain critical in ensuring that sufficient funding is available to meet the high expectations of the population.

84. At the same time, I hope that the international community, together with the United Nations, will continue to assist the Democratic Republic of the Congo in the establishment of durable peace and sound economic recovery. In particular, it will be important for the United Nations to provide support to the future Government to strengthen the democratic process, improve governance, reform the security sector and promote and protect human rights.

85. I intend to provide the Council with my proposals for the post-electoral role of MONUC, which will include critical areas such as the extension of State authority,

reform of the security sector, protection and promotion of human rights, protection of civilians and the provision of overall security. These proposals will be outlined in my report to the Security Council after the possible second round of the presidential elections, which may take place in October 2006.

86. I also wish to convey my deep condolences to the Government of Guatemala, which lost eight of its peacekeepers in January. This tragic loss has reinforced the resolve of the United Nations to combat the lawlessness and impunity that continue to exist in many parts of the Democratic Republic of the Congo. I also wish to pay my condolences to the Government of India for the loss of its peacekeeper in December 2005, during an operation against ADF in North Kivu.

87. In conclusion, I would like to thank my Special Representative and the personnel of MONUC, the United Nations family and all international partners for their untiring efforts, often in daunting conditions and personal danger, in pursuit of peace in the Democratic Republic of the Congo.





## Security Council

Distr.: General  
13 June 2006

Original: English

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### **Letter dated 13 June 2006 from the Permanent Representative of Timor-Leste to the United Nations addressed to the Secretary-General**

I have the honour to transmit a letter dated 8 June 2006 addressed to you by Mr. José Ramos-Horta, Minister for Foreign Affairs and Cooperation and Minister for Defence of Timor-Leste, on the establishment of an independent Special Inquiry Commission (see annex).

I should be grateful if the present letter and its annex could be circulated as a document of the Security Council.

*(Signed)* José Luis Guterres  
Ambassador  
Permanent Representative

**Annex to the letter dated 13 June 2006 from the Permanent Representative of Timor-Leste to the United Nations addressed to the Secretary-General**

On 10 May 2006, I wrote to the United Nations High Commissioner for Human Rights to issue a standing invitation to all special procedures mandate holders of the Human Rights Council, and also specifically requested relevant mandates to undertake an investigation into the events of 28 and 29 April 2006, which I now revoke, as, given the gravity of the subsequent events in May, the Government of Timor-Leste wishes to invite the United Nations to establish an independent Special Inquiry Commission.

The establishment of the facts and circumstances relevant to these events is critical for Timor-Leste to overcome its present crisis and achieve reconciliation, and for the upholding of the rule of law. The Timor-Leste police force basically imploded; the State is therefore not in a position to conduct an inquiry, and because of the parties involved in the current crisis, a domestic inquiry would formally lack credibility.

The Special Inquiry Commission would be mandated to review the incidents of 28 and 29 April, 23, 24 and 25 May and other related events or issues that contributed to the crisis.

The Government of Timor-Leste is committed to ensuring that the outcome of such an inquiry will assist the reconstitution of Timor-Leste's security sector and ensure accountability for criminal violations and human rights violations allegedly committed during the crisis period. In doing so, it would re-establish public confidence in the Government and the security institutions and promote democratic governance. Accordingly, the Government considers that the domestic justice system should be the primary avenue of accountability for any criminal violations and human rights violations allegedly deemed to have been committed by the Special Inquiry Commission.

It is critical that the Special Inquiry Commission be established as quickly as possible with a view to submitting a final report both to you and to the National Parliament of Timor-Leste within a three month period of its inauguration.

(Signed) José **Ramos-Horta**  
Senior Minister  
Minister for Foreign Affairs and Cooperation

**Security Council**

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14 June 2006

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**France, United Kingdom of Great Britain and Northern Ireland  
and United States of America: draft resolution**

*The Security Council,*

*Recalling* all its previous relevant resolutions, in particular resolutions 1595 (2005) of 7 April 2005, 1636 (2005) of 31 October 2005, 1644 (2005) of 15 December 2005, 1664 (2006) of 29 March 2006, 1373 (2001) of 28 September 2001, and 1566 (2004) of 8 October 2004,

*Reaffirming* its strongest condemnation of the 14 February 2005 terrorist bombing, as well as of all other attacks in Lebanon since October 2004, and reaffirming also that those involved in these attacks must be held accountable for their crimes,

*Having examined* the report of the International Independent Investigation Commission (S/2006/375) ("the Commission"), submitted pursuant to resolutions 1595 (2005), 1636 (2005) and 1644 (2005),

*Commending* the Commission for the outstanding professional work it continues to accomplish under difficult circumstances in assisting the Lebanese authorities in their investigation of all aspects of this terrorist act, and taking note of the Commission's conclusion that, while significant progress has been made, the investigation is not yet complete,

*Taking note* of the letter of the Prime Minister of Lebanon of 4 May 2006 to the Secretary-General (S/2006/278) requesting that the mandate of the Commission be extended for a further period of up to one year from 15 June 2006, and noting the concurrent recommendation of the Commission in this regard,

*Recalling* its request to the Secretary-General in resolution 1644 (2005) to submit recommendations with regard to the request of the Government of Lebanon to expand the mandate of the Commission to the other terrorist attacks perpetrated in Lebanon since 1 October 2004,

*Willing* to continue to assist Lebanon in the search for the truth and in holding all those involved in this terrorist attack accountable,

1. *Welcomes* the report of the Commission;
2. *Decides* to extend the mandate of the Commission until 15 June 2007;
3. *Supports* the Commission's intention, as it deems appropriate and consistent with its mandate, to extend further its technical assistance to the

Lebanese authorities with regard to their investigations into the other terrorist attacks perpetrated in Lebanon since 1 October 2004, and requests the Secretary-General to provide the Commission with the support and resources needed in this regard;

4. *Requests* the Commission to continue to report to the Council on the progress of the investigation on a quarterly basis, or at any other time as it deems appropriate;

5. *Decides* to remain seized of the matter.

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**Security Council**

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15 June 2006

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**China, France, Russian Federation, United Kingdom of Great Britain and Northern Ireland and United States of America:  
draft resolution**

*The Security Council,*

*Welcoming* the report of the Secretary-General of 23 May 2006 (S/2006/315) on the United Nations operation in Cyprus,

*Reiterating* its call to the parties to assess and address the humanitarian issue of missing persons with due urgency and seriousness, and welcoming in this regard the resumption of the activities of the Committee on Missing Persons since August 2004, as well as the appointment by the Secretary-General of a Third Member who will assume his duties in July 2006,

*Noting* that the Government of Cyprus is agreed that in view of the prevailing conditions in the island it is necessary to keep UNFICYP beyond 15 June 2006,

*Taking note* of the assessment of the Secretary-General that the security situation on the island continues to be stable and that the situation along the Green Line remains calm, and expressing the hope that there will be a decrease in the overall number of incidents involving the two sides,

*Urging* both sides to avoid any action which could lead to an increase in tension and, in this context, noting with concern sequential developments in the vicinity of Dherinia, the increase in unauthorized construction of building for personal and commercial use in the buffer zone, and developments at certain checkpoints in sector four, including new restrictions on UNFICYP's freedom of movement, and encouraging both sides to engage in consultations with UNFICYP on the demarcation of the buffer zone, and to respect UNFICYP's mandate and operations in the buffer zone,

*Regretting* that the gap between words and deeds remains too great for the Secretary-General to resume fully his good offices mission and urging progress towards the resumption of negotiations for a comprehensive settlement. In this context welcoming the Secretary-General's efforts to encourage renewed bicommunal contacts, and the agreement to a proposal to establish a mechanism for bicommunal discussions at the technical level, as well as the agreement of both leaders to meet on the occasion of the installation of the Third Member of the Committee on Missing Persons on Cyprus,

*Welcoming* progress in demining, particularly in the Nicosia area, and expressing strong support for UNFICYP's efforts to extend demining operations to Turkish Forces minefields in the rest of the buffer zone,



*Welcoming* the fact that over 10 million crossings by Greek Cypriots to the north and Turkish Cypriots to the south have taken place peacefully, and encouraging the opening of additional crossing points,

*Expressing* concern at continued disagreement over construction activity relating to the proposed additional crossing point at Ledra Street and urging both sides to cooperate with UNFICYP to resolve this issue,

*Welcoming* the emphasis of the Special Representative of the Secretary-General on greater cohesiveness in the efforts of the United Nations family in Cyprus, as well as the Secretary-General's intention to keep the operations of UNFICYP under close review while continuing to take into account developments on the ground and the views of the parties, and to revert to the Council with recommendations as appropriate for further adjustments to UNFICYP's mandate, force levels and concept of operation as soon as warranted,

*Welcoming* all efforts to promote bicommunal contacts and events, including, inter alia, on the part of the United Nations, and urging the two sides to promote further bicommunal contacts and to remove any obstacles to such contacts,

*Echoing* the Secretary-General's gratitude to the Government of Cyprus and the Government of Greece for their voluntary contributions to the funding of UNFICYP, and his request for further voluntary contributions from other countries and organizations,

*Welcoming* and encouraging efforts by the United Nations to sensitize peacekeeping personnel in the prevention and control of HIV/AIDS and other communicable diseases in all its peacekeeping operations,

1. *Reaffirms* all its relevant resolutions on Cyprus, in particular resolution 1251 (1999) of 29 June 1999 and subsequent resolutions;

2. *Expresses* its full support for UNFICYP, including its mandate in the buffer zone, and decides to extend its mandate for a further period ending 15 December 2006;

3. *Calls on* the Turkish Cypriot side and Turkish forces to restore in Strovilia the military status quo which existed there prior to 30 June 2000;

4. *Encourages* active participation in bicommunal discussions at the technical level, under the leadership of the SRSg, and expresses its full support for the latter;

5. *Requests* the Secretary-General to submit a report on implementation of this resolution by 1 December 2006;

6. *Welcomes* the efforts being undertaken by UNFICYP to implement the Secretary-General's zero tolerance policy on sexual exploitation and abuse and to ensure full compliance of its personnel with the United Nations code of conduct, requests the Secretary-General to continue to take all necessary action in this regard and to keep the Security Council informed, and urges troop-contributing countries to take appropriate preventive action including the conduct of pre-deployment awareness training, and to take disciplinary action and other action to ensure full accountability in cases of such conduct involving their personnel;

7. *Decides* to remain seized of the matter.



## Security Council

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### **Letter dated 12 June 2006 from the Secretary-General addressed to the President of the Security Council**

Pursuant to Security Council resolutions 1483 (2003) and 1637 (2005), I have the honour to convey a letter dated 7 June 2006, from my representative on the International Advisory and Monitoring Board for Iraq (see annex).

I should be grateful if you would bring this matter to the attention of the members of the Security Council.

*(Signed)* Kofi A. Annan



## Annex

**Letter dated 7 June 2006 from the representative of the Secretary-General on the International Advisory and Monitoring Board for the Development Fund for Iraq addressed to the Secretary-General**

As your representative on the International Advisory and Monitoring Board (IAMB) for the Development Fund for Iraq (DFI), I am pleased to provide you with an update on the activities of the Board since my letter dated 7 February 2006 (see enclosure).

As I mentioned in my letter of 7 February 2006, I had made a request to the United States Special Inspector General for Iraq Reconstruction for a briefing on the results of his office's work related to the use of DFI funds. Representatives of IAMB had a useful meeting with the Special Inspector General for Iraq Reconstruction and his colleagues on 5 April 2006. We sought and obtained clarification of recent reports of the Special Inspector General related to the use of resources from DFI. The reported concerns of the Special Inspector General echo concerns consistently raised by IAMB and the DFI external auditors regarding the use of DFI resources. We will continue to share with the Special Inspector General issues of mutual concern, and this should be facilitated by the attendance of representatives of the Special Inspector General at meetings of IAMB.

IAMB met in Washington, D.C., on 30 and 31 May 2006. IAMB was briefed by Ernst & Young, the appointed DFI auditor, on the status of the audit of the resources and disbursements of DFI and of the oil export sales from 1 July 2005 to 31 December 2005. There has been slow progress to date. IAMB reiterated the need for timely completion.

IAMB received a briefing from the President of the Board of Supreme Audit of Iraq (BSA). He outlined the capacity-building initiative that BSA had embarked on and a summary of the main findings of recent audits that have a bearing on the work of IAMB and the financial position of DFI, including relevant audits in regard to the oil extraction and sales.

IAMB received a briefing from representatives of the United States Department of Defense regarding pending audits. In my letter of 7 February, I informed you that IAMB planned to request an independent verification of the settlement between the United States Government and Kellogg, Brown and Root (KBR) on 22 December 2005 regarding the work performed by KBR funded from DFI, as well as a review of the remaining sole-sourced contracts awarded by the Coalition Provisional Authority and funded from DFI. The representatives of the United States Department of Defense indicated that the follow-up audit of sole-sourced contracts has only recently been awarded. The audit of the remaining sole-sourced contracts is expected to be completed by September. With regard to the review of the KBR settlement, the United States Government is still in the process of identifying a suitable audit firm; the major internationally recognized auditing firms having declined to participate. Progress has been slow. IAMB has urged the expeditious completion of these special audits.

One of the main concerns of IAMB from the start has been the absence of metering for crude oil production. IAMB had recommended in 2004 the expeditious

installation of metering equipment in accordance with standard oil industry practices. The Government of Iraq informed IAMB in March that the Iraqi Ministry of Oil had concluded an agreement with the United States Government to rebuild the metering system in the Basrah oil port of the Southern Oil State Company, funded by a grant from the United States Government and expected to be completed by the end of 2006. In addition, a preliminary agreement has been entered into by the Government of Iraq with the Shell Oil Company to act as a consultant to the Iraqi Ministry of Oil in matters relating to metering and calibrating, which would include the establishment of a measuring system for the flow of oil, gas and related products within Iraq, and export and import operations, within the next two years. IAMB welcomed the action the Government of Iraq is taking on the implementation of the IAMB recommendations, but continued to reiterate its concern that key actions, especially the installation of an oil metering system, needed to be comprehensive and were taking a long time to implement.

The IAMB mandate will expire by 31 December 2006. IAMB believes that it is important to continue the oversight role over oil export sales, and the related resources. IAMB believes that an oversight body should be set up by the Government of Iraq that would be independent, competent and professional, to ensure the continued oversight of external audits. To assist in a smooth transition to an Iraqi oversight body, IAMB is in the process of formulating recommendations on the modalities of such an oversight body and will present them to the Government of Iraq.

The next meeting of IAMB will take place in July. IAMB expects to review at that meeting the audit of the resources and disbursements of DFI and of the oil export sales from 1 July 2005 to 31 December 2005.

All documentation, including press statements, the minutes of all IAMB meetings, the results of the audit reports and key documents related to the IAMB mandate and operations, will continue to be posted on the IAMB website ([www.iamb.info](http://www.iamb.info)).

*(Signed)* Jean-Pierre Halbwachs

Enclosure

**Letter dated 7 February 2006 from the representative of the Secretary-General on the International Advisory and Monitoring Board for the Development Fund for Iraq addressed to the Secretary-General**

As your representative on the International Advisory and Monitoring Board (IAMB) for the Development Fund for Iraq (DFI), I am pleased to provide you with an update on the activities of the Board since my letter dated 2 June 2005.

At its meeting in October 2005, IAMB received reports of the audit of DFI covering the period from 1 January 2005 to 30 June 2005 and a briefing by KPMG. The audits were conducted under the oversight of IAMB, in line with its terms of reference and the provisions of Security Council resolution 1483 (2003), and are available on the IAMB website ([www.iamb.info](http://www.iamb.info)).

IAMB noted that these audits of the accounting of DFI resources, oil export sales and the transfers to spending ministries continue to be critical of the overall financial control framework currently in place. The reports continue to highlight numerous exceptions to administrative and accounting procedures in the spending ministries and by the United States agencies in respect of outstanding commitments for which they have used DFI resources and use by the Iraqi administration of DFI resources.

IAMB was also informed that KPMG continued to face lack of cooperation among some ministries and required the intervention of the Ministry of Finance to conduct complete its work.

IAMB sought and received a briefing from representatives of the Government of Iraq on the implementation of the recommendations contained in the audits and on measures to address the shortcomings identified by IAMB and in the audit reports and to improve internal financial controls generally. The steps reported by the Government of Iraq are detailed below.

The Government of Iraq has enacted a Financial Management Law, which has established a comprehensive framework for the conduct of fiscal and budgetary policy in line with international best practices by setting a structured process for the formulation of the federal budget and a number of reporting requirements aimed at increasing the accountability and transparency of the budgeting process.

A department has been set up within the Board of Supreme Audit (BSA) to follow up on all audit and investigation reports, including those commissioned by IAMB.

A specialized directorate has been established within each ministry, headed by an Inspector General who reports directly to the Minister and whose duties are to audit and oversee public funds administered by the ministry.

The Constitution adopted specifies the organizations which will be responsible for the audit and oversight of public funds. These organizations are BSA and the Integrity Commission.

IAMB believes that it is extremely important for the Government of Iraq to act on the audit recommendations to strengthen financial controls and the

administration of DFI resources, and looks forward to working with BSA and the Government of Iraq to continue strengthening the overall framework for public and financial management in Iraq. IAMB welcomed the action the Government of Iraq is taking on the implementation of IAMB recommendations, but also reiterated its concern that key actions, especially the installation of an oil metering system, were taking a long time to implement. IAMB urged the Government of Iraq to implement all audit recommendations promptly.

With regard to DFI-funded contracts administered by United States agencies, IAMB was informed by representatives of the United States that the Finance Minister of Iraq signed on 24 December 2005 a memorandum extending the Designation of Authority and Responsibility to the United States Chief of Mission and Commander, Multinational Forces-Iraq, to continue to administer the DFI-funded contracts until 31 December 2006 in view of the small number of contracts remaining and the fact that those contracts would be completed by the end of 2006. IAMB was also informed that the Joint Contracting Command-Iraq continues to work on a handover of records to appropriate Iraqi ministries before the end of 2006.

In my previous letter, I had informed you that IAMB agreed to the terms of reference for a special audit of sole-sourced contracts using DFI funds proposed by the United States Government, to be completed by an independent auditor. The special audit of sole-sourced contracts called for (a) identifying all contracts awarded non-competitively by the Coalition Provisional Authority valued at over \$5 million that used DFI funds; (b) providing a summary of the findings of audits of such contracts that have already been conducted by various United States Government audit agencies, and (c) conducting additional audit procedures on non-competitively awarded contracts that have not been the subject of audit, including with regard to whether such contracts were in accordance with the purposes outlined in Security Council resolution 1483 (2003).

The United States Government had informed IAMB that KPMG LLP had been selected to undertake the special audit of sole-sourced contracts that were funded from DFI. The audit reports were scheduled for completion and transmission to IAMB by the end of August 2005.

In September 2005, the United States Government informed IAMB that KPMG had determined that a potential conflict of interest had arisen in respect of auditing the sole-sourced contract awarded to Kellogg, Brown and Root (KBR) due to the existing client relationship of KPMG with Halliburton, the parent company of KBR, and had recused itself from auditing the KBR contract. In the light of this, the United States Government informed IAMB that it had requested the assistance of the United States Special Inspector General for Iraq Reconstruction to perform the procedures of the special audit with respect to the sole-sourced contract awarded to KBR.

IAMB regretted that KPMG had recused itself from conducting the KBR part of the audit only after it had been awarded the audit contract. IAMB also regretted the fact that it was informed very late by the United States Government of the recusal of KPMG and the appointment of the Special Inspector General to conduct the audit of the sole-sourced contract relating to KBR, and that IAMB had not been consulted in this matter. This did not make it possible for IAMB to pursue alternatives within the available time frame.

Of the 24 contracts (value: \$1.963 billion) identified as sole-sourced, 23 (value: \$0.563 billion) were audited by KPMG and one (value: \$1.4 billion) was audited by the Special Inspector General. The KPMG audit revealed exceptions in a number of cases, including (a) insufficient documentation to justify non-competitive contracting; (b) lack of support for the provision of services or receipt of goods; and (c) discrepancies in the amounts billed. The report of the Special Inspector General revealed that "the non-competitive award of contract ... to Kellogg, Brown and Root was properly justified". The contract was a cost-plus-award-fee, indefinite-delivery, indefinite-quantity contract. Determination of fair and reasonable costs for such contracts, according to the Special Inspector General, was made upon "definitization" of each task order. Six task orders used DFI funds. One of the six task orders had been "definitized" and the costs were determined to be fair and reasonable. The remaining five task orders had not been "definitized" and the process to substantiate expenditures, amounting to \$208 million, which had been questioned by the United States Defense Contract Audit Agency (DCAA) was still ongoing. IAMB also noted key findings in the DCAA audit report stating that (a) the contractor's proposals as submitted were not acceptable for negotiation of a fair and reasonable price; (b) supporting data for subcontract costs were not always adequate; and (c) proposals were not prepared in all respects in accordance with applicable cost accounting standards and appropriate provisions of the United States Federal Acquisition Regulation.

IAMB was also informed that \$1.2 billion out of the \$1.4 billion earmarked for the KBR contract had already been disbursed from DFI. Given the amounts involved and the length of time that this process was taking, IAMB recommended that the United States Government seek resolution with the Iraqi Government concerning the use of resources of DFI which might be in contradiction of the Security Council resolution 1483 (2003) and that the amount disbursed to contractors that cannot be supported as fair be reimbursed expeditiously.

IAMB followed up on the results of the special audit of sole-sourced contracts, and in particular the KBR task orders funded from DFI. At its meeting in January 2006, IAMB was informed by representatives of the United States Government that a global settlement of all six DFI-funded task orders under the KBR contract was reached between the United States Government and KBR on 22 December 2005. The settlement provided for a reduction of contract costs of \$9 million. IAMB resolved to request an independent verification of the settlement as well as a review of the remaining sole-sourced contracts. IAMB is in the process of defining the scope of work for this task and will be pursuing this with representatives of the United States Government.

On 28 December 2005 IAMB held a press briefing on the work of IAMB and replied to questions raised by members of the press. The webcast of the briefing, as well as a transcript, is posted on the IAMB website ([www.iamb.info](http://www.iamb.info)).

The United States Special Inspector General for Iraq Reconstruction issued on 26 January 2006 an audit report relating to the administration of DFI funds by the Coalition Provisional Authority South-Central Region. That audit report discusses the processes used for the authorization, award, execution and oversight of contracts within the Coalition Provisional Authority South-Central Region.

The overall audit objective was to determine whether disbursing officers in selected locations in southern Iraq complied with applicable guidance and properly

controlled and accounted for DFI cash assets and expenditures. The report indicates that during the audit, the Special Inspector General observed deficiencies in contract-award documentation and expanded its scope to determine whether Coalition Provisional Authority South-Central Region personnel properly managed contracts.

The audit concluded, based on the documentation examined, that the Coalition Provisional Authority South-Central Region failed to adequately manage its Rapid Regional Response Program contracts and micro-purchases. IAMB has concluded that a briefing by the Special Inspector General on the results of the Special Inspector General's audits involving DFI funds would be desirable, and I have today made a request to the Special Inspector General for such a briefing.

The next meeting of IAMB is scheduled for May 2006. IAMB expects to receive by then the audit of DFI for the period from June to December 2005 and further reports on the implementation by the Government of Iraq on measures to address issues identified in the audit reports.

IAMB will continue to exercise its oversight role and plan for a smooth transition to an Iraqi oversight body.

All documentation, including press statements, the minutes of all IAMB meetings, the results of the audit reports and key documents related to the IAMB mandate and operations, will continue to be posted on the IAMB website ([www.iamb.info](http://www.iamb.info)).

(Signed) Jean-Pierre **Halbwachs**